

Missouri Attorney General's Opinions - 2009

Opinion	Date	Topic	Summary
70-2009	Jan 9	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by David Rouchka regarding a proposed constitutional amendment to Article I of the Missouri Constitution.
71-2009	Jan 16	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 3b) submitted by Ron Calzone proposing an amendment to Article I of the Missouri Constitution.
72-2009	Jan 16	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 3a) submitted by Ron Calzone proposing an amendment to Article I of the Missouri Constitution.
73-2009	Jan 16	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 3d) submitted by Ron Calzone proposing an amendment to Article I of the Missouri Constitution.
75-2009	Jan 16	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 3a) submitted by Ron Calzone to amend Article I of the Missouri Constitution.
76-2009	Jan 16	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 3b) submitted by Ron Calzone to amend Article I of the Missouri Constitution.
77-2009	Jan 16	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 3d) submitted by Ron Calzone to amend Article I of the Missouri Constitution.
78-2009	Jan 16	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 2) submitted by David Rouchka for a proposed amendment to Article I of the Missouri Constitution.
79-2009	Jan 16	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 2) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.

80-2009	Jan 22	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown seeking to change the status of a city, town, or village.
82-2009	Jan 26	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 2) submitted by Todd Jones to amend Article III of the Missouri Constitution.
83-2009	Apr 16	CITY CONTRACTS. COLLECTIVE BARGAINING. LABOR AND LABOR UNIONS. LABOR NEGOTIATIONS. PUBLIC CONTRACTS. SUNSHINE LAW.	Negotiation meetings between the City of Kansas City and the International Association of Fire Fighters, Local 42, for the purpose of negotiating a memorandum of understanding pursuant to Section 105.520, can be closed pursuant to Sections 610.010 through 610.035. However, when the written proposals are subject to adoption, modification or rejection by the governing body, the meeting can no longer be closed.
85-2009	Feb 5	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 2) submitted by Angela Basham regarding a proposed constitutional amendment related to Article X.
95-2009	Feb 19	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Herman Kriegshauser for a proposed amendment to Article X of the Missouri Constitution.
98-2009	Feb 26	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3) submitted by David Rouchka for a proposed amendment to Article I of the Missouri Constitution.
99-2009	Feb 26	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 3) submitted by Angela Basham regarding a proposed constitutional amendment related to Article X.
100-2009	Feb 26	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 1) submitted by Todd Jones for a proposed amendment to Article III of the Missouri Constitution.
101-2009	Feb 26	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Todd Jones for a proposed amendment to Article III of the Missouri Constitution.
102-2009	Feb 26	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3) submitted by Todd Jones for a proposed amendment to Article III of the Missouri Constitution.
103-2009	Mar 6	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative

			petition (version 2) submitted by Herman Kriegshauser proposing an amendment to Article X of the Missouri Constitution.
105-2009	Mar 13	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 2) submitted by Herman Kriegshauser regarding a proposed constitutional amendment related to Article X.
107-2009	July 24	COUNTY COMMISSION. COUNTY OFFICES. OFFICE HOURS.	County commissions have authority to set the number of days per week that county offices are open, but do not have authority to set the work hours for those offices or employees not under their supervision.
108-2009	Mar 13	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 3) submitted by David Rouchka proposing an amendment to Article I of the Missouri Constitution.
109-2009	Mar 19	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 4) submitted by Angela Basham regarding a proposed constitutional amendment related to Article X.
110-2009	Mar 19	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 1) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
111-2009	Mar 19	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 2) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
112-2009	Mar 19	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 3) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
113-2009	Mar 19	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 1) submitted by Todd Jones to amend Article III of the Missouri Constitution.
114-2009	Mar 19	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 2) submitted by Todd Jones to amend Article III of the Missouri Constitution.
115-2009	Mar 19	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 3)

			submitted by Todd Jones to amend Article III of the Missouri Constitution.
116-2009	Mar 19	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 3) submitted by David Rouchka to amend Article I of the Missouri Constitution.
117-2009	Apr 3	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 5) submitted by Angela Basham regarding a proposed constitutional amendment related to Article X.
120-2009	Apr 15	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 6) submitted by Angela Basham regarding a proposed constitutional amendment related to Article X.
121-2009			Withdrawn
122-2009	May 6	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 7) submitted by Angela Basham regarding a proposed constitutional amendment related to Article X.
124-2009	Oct 29	BOOKING FEES. SHERIFFS. SHERIFF'S FEES.	A county sheriff's office may not charge a booking fee unless the power to do so has been expressly or impliedly granted. There is no express statutory authority for the sheriff to charge a booking fee. And, this power is not necessary or indispensable to the power to run the jail. Therefore, the county sheriff may not charge a booking fee before a person has entered a guilty plea or had an adjudication of guilt.
125-2009	June 5	ALIENS. MUNICIPALITIES. SANCTUARY POLICY.	Section 67.307, when read in combination with §§ 285.530, .535, and .550, requires that a municipality (1) notify its law enforcement officers of their duty to cooperate with state and federal officials enforcing the immigration laws and (2) revoke any permit or license of a person upon notice from the Attorney General that the permittee or licensee has been found to employ illegal aliens.
126-2009	Nov 19	ARRESTS. COUNTY CORONER. PEACE OFFICERS - PEACE OFFICERS RECORDS.	Because coroners are conservators of the peace they have the power to arrest for any felony or misdemeanor committed in their presence, and to arrest when they reasonably believe the arrestee has committed a felony, even out of their presence.
127-2009	June 3	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 8) submitted by Angela Basham proposing an amendment to Article X of the Missouri Constitution.
129-2009	June 17	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown regarding a proposed change in

			the St. Louis County boundary.
130-2009	Nov 23	INITIATIVE PETITION. INITIATIVES.	The death of a handicapped relative should not result in the removal of a board member under § 205.970. Thus, absent a statutory reason for removal, a board member should be permitted to complete their appointed term despite the death of a handicapped relative.
132-2009	June 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 8) submitted by Angela Basham proposing an amendment to Article X of the Missouri Constitution.
133-2009	June 25	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 1) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
134-2009	June 25	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
135-2009	June 25	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 3) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
136-2009	June 25	HOUSE JOINT RESOLUTION.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for House Joint Resolution No. 15 relating to property tax exemption.
137-2009	June 25	SENATE JOINT RESOLUTION.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for Senate Joint Resolution No. 5 relating to county assessors.
138-2009	June 25	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 8) submitted by Angela Basham to amend Article X of the Missouri Constitution.
139-2009	June 25	SENATE JOINT RESOLUTION.	Review and approval of a summary statement prepared pursuant to Section 116.160, RSMo, for Senate Joint Resolution No. 5 relating to county assessors.
140-2009	June 25	FAIR BALLOT LANGUAGE. SENATE JOINT RESOLUTION.	Review and approval of the legal content and form of the proposed fair ballot language statement prepared pursuant to Section 116.025, RSMo, for Senate Joint Resolution No. 5 relating to county assessors.
141-2009	June 25	HOUSE JOINT RESOLUTION.	Review and approval of a summary statement prepared pursuant to Section 116.160, RSMo, for House Joint Resolution No. 15 relating to property tax exemption.

142-2009	June 25	FAIR BALLOT LANGUAGE. HOUSE JOINT RESOLUTION.	Review and approval of the legal content and form of the proposed fair ballot language statement prepared pursuant to Section 116.025, RSMo, for House Joint Resolution No. 15 relating to property tax exemption.
143-2009	June 25	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theo Ted Brown regarding the metro security license program.
144-2009	June 25	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theo Ted Brown regarding press passes.
148-2009	June 25	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theo Ted Brown regarding the office of sheriff.
149-2009	June 25	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis "Ted" Brown regarding a boundary change in St. Louis County.
150-2009	July 1	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 1) submitted by Charles W. Hatfield proposing an amendment to Article X of the Missouri Constitution.
151-2009	July 1	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Charles W. Hatfield proposing an amendment to Article X of the Missouri Constitution.
155-2009	July 9	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3) submitted by Charles W. Hatfield proposing an amendment to Article X of the Missouri Constitution.
156-2009	July 9	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theo Ted Brown regarding a boundary change in St. Louis County.
157-2009	July 9	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 2) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
158-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 2) submitted by Theodis "Ted" Brown regarding a boundary change in St. Louis County.
160-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Marsha Taylor, M.D. proposing an amendment to Article I of the Missouri Constitution.
161-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 1) submitted by Todd Jones proposing an amendment

			to Article III of the Missouri Constitution.
162-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
163-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
164-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 4) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
165-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 5) submitted by Todd Jones proposing an amendment to Article III of the Missouri Constitution.
166-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 2) submitted by Todd Jones to amend Article III of the Missouri Constitution.
167-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition submitted by Tim Asher proposing an amendment to Article I of the Missouri Constitution.
168-2009	July 15	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 3) submitted by Theo Ted Brown regarding a boundary change in St. Louis County.
169-2009	July 24	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 4) submitted by Theo Ted Brown regarding a boundary change in St. Louis County.
171-2009	July 24	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 1) submitted by Charles W. Hatfield proposing an amendment to Article X of the Missouri Constitution.
172-2009	July 24	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 2) submitted by Charles W. Hatfield proposing an amendment to Article X of the Missouri Constitution.
173-2009	July 24	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 1) submitted by Charles W. Hatfield to amend Article X of the Missouri Constitution.

174-2009	July 24	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 2) submitted by Charles W. Hatfield to amend Article X of the Missouri Constitution.
175-2009	July 24	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 3) submitted by Charles W. Hatfield to amend Article X of the Missouri Constitution.
176-2009	July 31	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition (version 3) submitted by Charles W. Hatfield proposing an amendment to Article X of the Missouri Constitution.
177-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition submitted by Tim Asher to amend Article I of the Missouri Constitution.
178-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition (version 2) submitted by Dr. Marsha Taylor regarding a proposed amendment to Article I, Section 36 of the Missouri Constitution.
179-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition (version 1) submitted by Todd Jones regarding a proposed amendment to Article III, Section 38 of the Missouri Constitution.
180-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition (version 2) submitted by Todd Jones regarding a proposed amendment to Article III, Section 38 of the Missouri Constitution.
181-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition (version 3) submitted by Todd Jones regarding a proposed amendment to Article III, Section 38 of the Missouri Constitution.
182-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition (version 5) submitted by Todd Jones regarding a proposed amendment to Article III, Section 38 of the Missouri Constitution.
183-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition (version 2) submitted by Dr. Marsha Taylor regarding a proposed amendment to Article I, Section 36 of the Missouri Constitution.

184-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition (version 1) submitted by Todd Jones regarding a proposed amendment to Article III, Section 38 of the Missouri Constitution.
185-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition (version 2) submitted by Todd Jones regarding a proposed amendment to Article III, Section 38 of the Missouri Constitution.
186-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition (version 3) submitted by Todd Jones regarding a proposed amendment to Article III, Section 38 of the Missouri Constitution.
187-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition (version 5) submitted by Todd Jones regarding a proposed amendment to Article III, Section 38 of the Missouri Constitution.
190-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition submitted by Tim Asher regarding a proposed amendment to Article I of the Missouri Constitution.
191-2009	Aug 5	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown pertaining to a proposed charter commission to revise and amend the charter of St. Louis County.
193-2009	Aug 13	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by James Harris for a proposed amendment to Article V, Section 25 of the Missouri Constitution.
194-2009	Oct 23	CITIES, TOWNS AND VILLAGES. CITY ORDINANCES. COUNTIES. COUNTY ORDINANCES. DRUGS. ORDINANCES. POLITICAL SUBDIVISIONS. PREEMPTION. PRESCRIPTIONS.	A local government is not preempted by federal or state law from passing an ordinance making the sale of products containing pseudoephedrine by prescription only. Charter counties and cities which have included a general police power in their charters or constitutions, third- and fourth-class cities, and possibly towns and villages, have the police power necessary to pass an ordinance that would require a prescription to purchase products containing pseudoephedrine. No other local governments have been granted the authority necessary, so they do not have the authority to pass such an ordinance.
195-2009	Aug 21	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown pertaining to changes in law enforcement in St. Louis County.

196-2009	Nov 6	FIX AD VALOREM PROPERTY TAX RATES. POLITICAL SUBDIVISIONS. PROPERTY TAX. TAXATION - TAX RATE.	The 2008 amendments to § 67.110.1 should be read in harmony with the entire statute such that political subdivisions in the state that are located at least partially within a charter county or the City of St. Louis, have until October 1 to fix ad valorem property tax rates without fear of having a tax rate certified that is only necessary to pay the interest and principal on any outstanding bonds.
197-2009	Sept 2	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition (version 2) submitted by James Harris regarding a proposed amendment to Article V, Section 25 of the Missouri Constitution.
198-2009	Sept 2	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown pertaining to soil and water conservation.
200-2009	Nov 6	FIX AD VALOREM PROPERTY TAX RATES. POLITICAL SUBDIVISIONS. PROPERTY TAX. TAXATION - TAX RATE.	The 2008 amendments to § 67.110.1 should be read in harmony with the entire statute such that political subdivisions in the state that are located at least partially within a charter county or the City of St. Louis, have until October 1 to fix ad valorem property tax rates without fear of having a tax rate certified that is only necessary to pay the interest and principal on any outstanding bonds.
201-2009	Sept 2	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition (version 2) submitted by James Harris regarding a proposed amendment to Article V of the Missouri Constitution.
202-2009	Sept 10	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition submitted by Jo Sapp to amend Chapter 115 of the Revised Statutes of Missouri.
204-2009	Sept 18	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition submitted by Dr. Marsha Taylor to amend Article I, Section 36 of the Missouri Constitution.
205-2009	Sept 18	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Todd Jones regarding a proposed constitutional amendment related to Article III, Section 38.
206-2009	Sept 24	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition submitted by Todd Jones to amend Article III, Section 38 of the Missouri Constitution.
207-2009	Sept 25	INITIATIVE PETITION.	Review and approval of the sufficiency as to form of an initiative

		INITIATIVES.	petition submitted by Gregory Thompson to amend Article I of the Missouri Constitution.
208-2009	Sept 25	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition submitted by Jo Sapp proposing an amendment to Chapter 115 of the Revised Statutes of Missouri.
211-2009	Sept 25	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown regarding a proposal to amend the Revised Statutes of Missouri and a "St. Louis regional conservancy district city and county."
213-2009	Oct 2	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Jo Sapp regarding a proposed amendment to Chapter 115 of the Revised Statutes of Missouri.
214-2009	Oct 2	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition submitted by Dr. Marsha Taylor proposing an amendment to Article I of the Missouri Constitution.
215-2009	Oct 2	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown pertaining to the formation of a public water supply district.
217-2009	Oct 9	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Dr. Marsha Taylor regarding a proposed amendment to Article I, Section 36 of the Missouri Constitution.
218-2009	Oct 9	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition submitted by Todd Jones proposing an amendment to Article III, Section 38 of the Missouri Constitution.
220-2009	Oct 14	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Todd Jones regarding a proposed amendment to Article III, Section 38 of the Missouri Constitution.
221-2009	Oct 14	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary for an initiative petition submitted by Gregory Thompson proposing an amendment to Article I of the Missouri Constitution.
222-2009	Oct 14	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3) submitted by James Harris to amend Article V, Section 25 of the Missouri Constitution.
223-2009	Oct 19	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Gregory Thompson regarding a proposed amendment to Article I of the Missouri Constitution.
226-2009	Nov 6	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown pertaining to the formation of a

			watershed district.
227-2009	Nov 6	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a revised fiscal note summary for an initiative petition (version 3) submitted by James Harris proposing an amendment to Article V, Section 25 of the Missouri Constitution.
229-2009	Nov 6	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition (version 3) submitted by James Harris regarding a proposed amendment to Article V of the Missouri Constitution.
231-2009	Nov 6	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown pertaining to the division of St. Louis County and the formation of a new Castlepoint County.
232-2009	Nov 6	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown pertaining to the formation of a water conservancy district in the Missouri/Mississippi river basin.
237-2009	Dec 3	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 1) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
239-2009	Dec 3	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
241-2009	Dec 3	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 5) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
243-2009	Dec 3	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 7) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
245-2009	Dec 3	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 9) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
247-2009	Dec 3	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 1) submitted by Barbara Schmitz pertaining to a statutory amendment to Chapter 273, RSMo, regarding puppy mills.
248-2009	Dec 3	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Barbara Schmitz pertaining to a statutory amendment to Chapter 273, RSMo, regarding puppy mills.
249-2009	Dec 11	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Jo Sapp pertaining to an amendment to Chapter 115, RSMo.

250-2009	Dec 17	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2a) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
251-2009	Dec 17	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 4a) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
252-2009	Dec 17	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 6a) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
253-2009	Dec 17	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 8a) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
254-2009	Dec 17	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 10a) submitted by Marc Ellinger pertaining to a statutory amendment to Chapter 92, RSMo, regarding earnings tax.
255-2009	Dec 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 1) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
256-2009	Dec 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 3) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
257-2009	Dec 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 5) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
258-2009	Dec 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 7) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
259-2009	Dec 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 9) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
261-2009	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Barbara Schmitz (version 1) regarding a proposed amendment to Chapter 273, Revised Statutes of Missouri.
262-2009	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Barbara Schmitz (version 2) regarding a proposed amendment to Chapter 273, Revised Statutes of Missouri.
264-2009	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Barbara Schmitz (version 1) regarding a

			proposed amendment to Chapter 273, Revised Statutes of Missouri.
265-2009	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Barbara Schmitz (version 2) regarding a proposed amendment to Chapter 273, Revised Statutes of Missouri.
266-2009	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Marc Ellinger (version 1) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
267-2009	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Marc Ellinger (version 3) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
268-2009	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Marc Ellinger (version 5) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
269-2009	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Marc Ellinger (version 7) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
270-2009	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Marc Ellinger (version 9) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
271-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 1) submitted by Brad Ketcher pertaining to a statutory amendment to Chapter 84, Revised Statutes of Missouri.
272-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Brad Ketcher pertaining to a statutory amendment to Chapter 84, Revised Statutes of Missouri.
273-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3) submitted by Brad Ketcher pertaining to a statutory amendment to Chapter 84, Revised Statutes of Missouri.
274-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Jo Sapp (version 2) regarding a proposed amendment to Chapter 115, Revised Statutes of Missouri.
278-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 2a) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
279-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 4a) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.

280-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 6a) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
281-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 8a) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
282-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared for the initiative petition submitted by Marc Ellinger (version 10a) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri.
283-2009	Dec 30	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared for the initiative petition submitted by Jo Sapp (version 2) regarding a proposed amendment to Chapter 115, Revised Statutes of Missouri.



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

January 9, 2009

OPINION LETTER NO. 70-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 30, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by David Rouchka, regarding a proposed constitutional amendment related to Article I, Section 35.

We conclude that the petition should be rejected for the following reason:

- The petition states that the proposed amendment to the Constitution shall be submitted to the voters at the general election to be held on the "fourth day of November, 2008." That date has passed.
- The petition includes the text, "**THE MISSOURI SAVE OUR SECRET BALLOT INITIATIVE.**" The text appears to be a title for the initiative. There is no statutory or constitutional authority for a title drafted by the circulators to appear on the petition.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

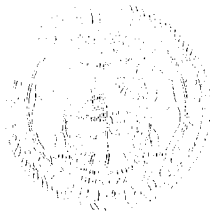
Honorable Robin Carnahan
Page 2
January 9, 2009

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and
“make a final decision as to the approval or rejection of the form of the petition.”

Very truly yours,

A handwritten signature in dark ink, appearing to read "Karen King Mitchell", is written over the typed name.

KAREN KING MITCHELL
Deputy Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

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January 16, 2009

OPINION LETTER NO. 71-2009

Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of January 6, 2009, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition (version 3b) submitted by Ron Calzone regarding a proposed constitutional amendment related to Article I. The fiscal note summary that you submitted is as follows:

The total cost or savings to state or local governmental entities is unknown. Most state governmental entities estimate no costs, however, some state governmental entities may have indirect costs or unknown costs that may exceed \$100,000. Estimated costs, if any, to local governmental entities could be significant.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", is written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. BOX 899
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January 16, 2009

OPINION LETTER NO. 72-2009

Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of January 6, 2009, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition (version 3a) submitted by Ron Calzone regarding a proposed constitutional amendment related to Article I. The fiscal note summary that you submitted is as follows:

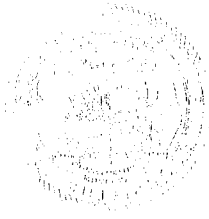
The total cost or savings to state or local governmental entities is unknown. Most state governmental entities estimate no costs, however, some state governmental entities may have indirect costs or unknown costs that may exceed \$100,000. Estimated costs, if any, to local governmental entities could be significant.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", is positioned above the printed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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ATTORNEY GENERAL

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January 16, 2009

OPINION LETTER NO. 73-2009

Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of January 6, 2009, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition (version 3d) submitted by Ron Calzone regarding a proposed constitutional amendment related to Article I. The fiscal note summary that you submitted is as follows:

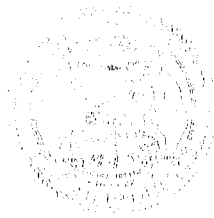
The total cost or savings to state or local governmental entities is unknown. Most state governmental entities estimate no costs, however, some state governmental entities may have indirect costs or unknown costs that may exceed \$100,000. Estimated costs, if any, to local governmental entities could be significant.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", is positioned above the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

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January 16, 2009

OPINION LETTER NO. 75-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 9, 2009, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition (version 3a) submitted by Ron Calzone on December 16, 2008, relating to amending Article I of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to restrict the use of eminent domain by:

- Allowing only government entities to use eminent domain;
- Prohibiting its use for private purposes, with certain exceptions for utilities;
- Requiring that any taking of property be necessary for a public use and that landowners receive just compensation;
- Requiring that the intended public use be declared at the time of the taking; and
- Permitting the original owners to repurchase the property if it is not so used within five years or if the property is offered to a private entity within 20 years?

Honorable Robin Carnahan

Page 2

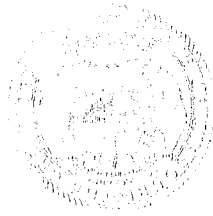
January 16, 2009

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
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January 16, 2009

OPINION LETTER NO. 76-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 9, 2009, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition (version 3b) submitted by Ron Calzone on December 16, 2008, relating to amending Article I of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to restrict the use of eminent domain by:

- Allowing only government entities to use eminent domain;
- Prohibiting its use for private purposes, with certain exceptions for utilities;
- Requiring that any taking of property be necessary for a public use and that landowners receive just compensation;
- Requiring that the intended public use be declared at the time of the taking; and
- Permitting the original owners to repurchase the property if it is not so used within five years or if the property is offered to a private entity within 20 years?

Honorable Robin Carnahan
Page 2
January 16, 2009

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal flourish extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

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January 16, 2009

OPINION LETTER NO. 77-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 9, 2009, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition (version 3d) submitted by Ron Calzone on December 16, 2008, relating to amending Article I of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to restrict the use of eminent domain by:

- Allowing only government entities to use eminent domain;
- Prohibiting its use for private purposes, with certain exceptions for utilities;
- Requiring that any taking of property be necessary for a public use and that landowners receive just compensation;
- Requiring that the intended public use be declared at the time of the taking; and
- Permitting the original owners to repurchase the property if it is not so used within five years or if the property is offered to a private entity within 20 years?

Honorable Robin Carnahan

Page 2

January 16, 2009

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal flourish extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

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January 16, 2009

OPINION LETTER NO. 78-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 9, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 2) submitted by David Rouchka, regarding a proposed constitutional amendment related to Article I, Section 35.

We conclude that the petition should be rejected for the following reason:

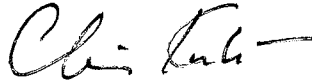
- The petition states that the proposed amendment to the Constitution shall be submitted to the voters at the general election to be held on the "fourth day of November, 2008." That date has passed.
- The petition includes the text, "**THE MISSOURI SAVE OUR SECRET BALLOT INITIATIVE.**" The text appears to be a title for the initiative. There is no statutory or constitutional authority for a title drafted by the circulators to appear on the petition.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

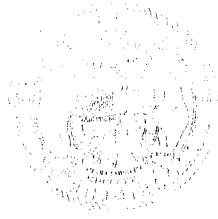
Honorable Robin Carnahan
Page 2
January 16, 2009

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and “make a final decision as to the approval or rejection of the form of the petition.”

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a horizontal line extending from the end of the signature.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

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January 16, 2009

OPINION LETTER NO. 79-2009

Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of January 9, 2009, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition (version 2) submitted by Todd Jones regarding a proposed constitutional amendment related to Article III. The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities by prohibiting the use of public funds for certain research activities. Federal grants to state governmental entities for research and medical assistance programs may be in jeopardy. The total costs to state and local governmental entities are unknown.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", is written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
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January 22, 2009

OPINION LETTER NO. 80-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 14, 2009, for our review under Section 116.232, RSMo, of the sufficiency as to form of an initiative petition submitted by Theodis Brown.

We conclude that the petition must be rejected for the following reasons:

- The measure does not contain an enacting clause in the form required under Article III, Section 50 of the Missouri Constitution;
- The petition is not in the proper form as prescribed by Section 116.040, RSMo;
- The petition is not presented on pages of uniform size as prescribed by Section 116.050, RSMo;
- Pursuant to Chapter 72, RSMo, a city, town, or village seeking to change its status must obtain the approval of the legal voters of that city, town, or village, not of the voters of the State of Missouri; and

Honorable Robin Carnahan

Page 2

January 22, 2009

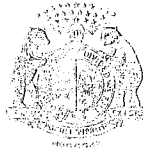
- The petition neither contains, nor is it attached to, a full and correct text of a proposed statutory or constitutional measure as required under Section 116.050, RSMo.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and “make a final decision as to the approval or rejection of the form of the petition.”

Very truly yours,

A handwritten signature in black ink, appearing to read "Ch Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

January 26, 2009

OPINION LETTER NO. 82-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 26, 2009, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition (version 2) submitted by Todd Jones on December 22, 2008, relating to amending Article III of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to make it illegal for the legislature or state or local governments to expend, pay, or grant public funds to hospitals or other institutions for certain research and services, as defined by the general assembly in section 196.1127, Revised Statutes of Missouri, 2003, such as abortion services, including those necessary to save the life of the mother, and certain types of stem cell research currently allowed under Missouri law?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal flourish extending to the right.

CHRIS KOSTER
Attorney General

CITY CONTRACTS:
COLLECTIVE BARGAINING:
LABOR AND LABOR UNIONS:
LABOR NEGOTIATIONS:
PUBLIC CONTRACTS:
SUNSHINE LAW:

Negotiation meetings between the City of Kansas City and the International Association of Fire Fighters, Local 42, for the purpose of negotiating a memorandum of understanding pursuant to Section 105.520, can be closed pursuant to Sections 610.010 through 610.035. However, when the written proposals are subject to adoption, modification or rejection by the governing body, the meeting can no longer be closed.

OPINION NO. 83-2009

April 16, 2009

Alan L. Holtkamp, Esq.
Assistant City Attorney
28th Floor, City Hall
414 East 12th Street
Kansas City, Mo 64106

Dear Mr. Holtkamp:

You submitted the following question to this office for response:

[W]hether negotiation meetings between the City of Kansas City and the International Association of Fire Fighters, Local 42, for the purpose of negotiating a memorandum of understanding pursuant to section 105.520, RSMo, can be closed meetings pursuant to sections 610.010 through 610.035, RSMo (the "Sunshine Law").

Section 105.520 provides that certain public employees, by an exclusive bargaining representative, shall have the right to present proposals relative to salaries and other conditions of employment to a public body, and that the public body or its designated representative "shall meet, confer and discuss such proposals" with the exclusive bargaining representative. "Upon the completion of discussions, the results shall be reduced to writing and be presented to the appropriate administrative, legislative

Alan L. Holtkamp, Esq.
Page 2
April 16, 2009

or other governing body in the form of an ordinance, resolution, bill or other form required for adoption, modification or rejection." Section 105.520, RSMo.

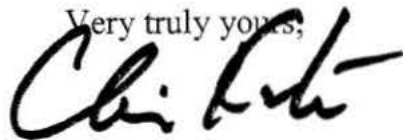
The plain language of Section 105.520 contemplates a two-step process for employment proposals between certain public employees and a public body: (a) discussion of the proposals and (b) adoption, modification or rejection of the proposals. This two-step process in Section 105.520 is significant for purposes of considering the ability of the public body to close meetings because Section 610.021 also distinguishes along the same lines for permissible closed meetings.

Section 610.021(12) provides that a public governmental body such as the City of Kansas City can close meetings, records and votes, to the extent they relate to "a negotiated contract until a contract is executed, or all proposals are rejected." Section 610.021, RSMo (emphasis added). A plain reading of Sections 105.520 and 610.021(12) establishes that the discussion step or negotiations of Section 105.520 can proceed in a closed meeting, but once the written terms or proposals are presented to the governing body for adoption, modification or rejection, in an ordinance, resolution or bill, the meeting can no longer be closed.

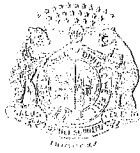
CONCLUSION

Negotiation meetings between the City of Kansas City and the International Association of Fire Fighters, Local 42, for the purpose of negotiating a memorandum of understanding pursuant to Section 105.520, can be closed pursuant to Sections 610.010 through 610.035. However, when the written proposals are subject to adoption, modification or rejection by the governing body, the meeting can no longer be closed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive, flowing style.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 899
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February 5, 2009

OPINION LETTER NO. 85-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 26, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 2) submitted by Angela Basham.

We conclude that the petition must be rejected for the following reasons:

- The petition and affidavit are not in the proper form as prescribed by Section 116.040, RSMo;
- The petition and affidavit are not in the proper form as prescribed by Section 116.080, RSMo; and
- The proposed summary statement and any other information submitted for the convenience of the Missouri Secretary of State must be separate from the body of the proposed amendment.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

Honorable Robin Carnahan

Page 2

February 5, 2009

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized, flowing script.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

February 19, 2009

OPINION LETTER NO. 95-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 10, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 2) regarding a proposed constitutional amendment related to Article X submitted by Herman Kriegshauser.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal flourish extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

February 26, 2009

OPINION LETTER NO. 98-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 18, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 3) regarding a proposed constitutional amendment related to Article I, Section 35 submitted by David Rouchka.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

February 26, 2009

OPINION LETTER NO. 99-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 18, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to the form of an initiative petition (version 3) submitted by Angela Basham.

We conclude that the petition must be rejected for the following reasons:

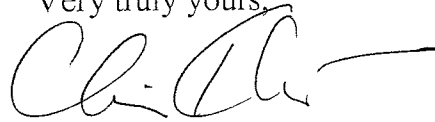
- The petition and affidavit are not in the proper form as prescribed by Section 116.040, RSMo;
- The petition and affidavit are not in the proper form as prescribed by Section 116.080, RSMo; and
- The proposed summary statement and any other information submitted for the convenience of the Missouri Secretary of State must be separate from the body of the proposed amendment because the Secretary of State is charged by statute to create the summary statement for the final petition.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

Honorable Robin Carnahan
Page 2
February 26, 2009

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and
“make a final decision as to the approval or rejection of the form of the petition.”

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", followed by a long horizontal line extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
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February 26, 2009

OPINION LETTER NO. 100-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 20, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 1) regarding a proposed constitutional amendment related to Article III submitted by Todd Jones.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the words "Very truly yours,".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

February 26, 2009

OPINION LETTER NO. 101-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 20, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 2) regarding a proposed constitutional amendment related to Article III submitted by Todd Jones.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal flourish extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

February 26, 2009

OPINION LETTER NO. 102-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 20, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 3) regarding a proposed constitutional amendment related to Article III submitted by Todd Jones.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal flourish extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

March 6, 2009

OPINION LETTER NO. 103-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of March 2, 2009, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition (version 2) submitted by Herman Kriegshauser regarding a proposed constitutional amendment related to Article X. The fiscal note summary that you submitted is as follows:

The cost to state and local governmental entities is estimated to exceed \$5 billion annually.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

March 13, 2009

OPINION LETTER NO. 105-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 11, 2009, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition (version 2) submitted by Herman Kriegshauser regarding a proposed constitutional amendment related to Article X. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to provide a 50% state income tax credit for contributions or donations made by individuals and corporations to Missouri incorporated and operated charitable and educational not-for-profit corporations, organizations, institutions and foundations in addition to the deductions currently allowed for federal and state income taxes?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General

COUNTY COMMISSION:
COUNTY OFFICES:
OFFICE HOURS:

County commissions have authority to set the number of days per week that county offices are open, but do not have authority to set the work hours for those offices or employees not under their supervision.

OPINION NO. 107-2009

July 24, 2009

Mr. Gary A. Troxell, Esq.
Dade County Prosecuting Attorney
8 South Main
Greenfield, MO 65661

Dear Mr. Troxell:

You submitted the following question to this office for response:

Do the provisions of Section 49.265 RSMo, which allow the County Commissions to authorize the number of work days per week, also allow the commissioners to set the work hours?

As you note, § 49.265, RSMo 2000, addresses the authority of county commissions to set the number of days per week that county offices are open:

The county commission in all counties of class two, by order entered of record, may authorize all county offices, except the sheriff's office, to be open not more than five days each week, and in all counties of classes three and four by order entered of record, may authorize all county offices, except the sheriff's office, to be open not more than five and one-half days each week. The county commission, after entering such an order, may require any office to be open six days a week when public convenience requires. . . .

Section 49.265, RSMo 2000. The statute does not, however, address the question of work hours.

Gary A. Troxell, Esq.

Page 2

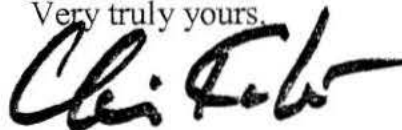
County commissions are given the authority to "manage all county business as prescribed by law." Mo. Const. art. VI, § 7. Aside from the management of the fiscal affairs of the county, county commissions possess only those powers that are conferred by statute. See *State ex rel. Floyd v. Philpot*, 266 S.W.2d 704, 710 (Mo. banc 1954); *Greene County v. Pennel*, 992 S.W.2d 258, 262 (Mo. App. S.D. 1999). Neither § 49.265 nor any other statute expressly or impliedly authorizes county commissions to set the work hours for county officers or employees that are not supervised by county commissions. Therefore, county commissions lack the authority to set those work hours.

County commissions do have authority over county buildings; hence, the Attorney General has previously opined that county commissions can determine what hours the county courthouse is open. See Mo. Att'y Gen. Op. No. 22-88 (July 27, 1988). But that authority does not extend to dictating what hours an office within the courthouse, not supervised by a county commission, must be open. Thus, the Attorney General has previously opined that a county clerk can open the clerk's office to provide voter registration services "at hours after the close of general business" in the courthouse. Mo. Att'y Gen. Op. 211-76 (Oct. 26, 1976).

CONCLUSION

County commissions have authority to set the number of days per week that county offices are open, but do not have authority to set the work hours for those offices or employees not under their supervision.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 809
(573) 751-3321

March 13, 2009

OPINION LETTER NO. 108-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of March 10, 2009, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition (version 3) submitted by David Rouchka regarding a proposed constitutional amendment related to Article I. The fiscal note summary that you submitted is as follows:

It is estimated this proposal will have no costs or savings to state or local governmental entities.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal stroke extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 761-0321

March 19, 2009

OPINION LETTER NO. 109-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 11, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 4) submitted by Angela Basham.

We conclude that the petition must be rejected for the following reasons:

- The affidavit is not in the proper form as prescribed by Section 116.040, RSMo; and
- The enabling clause contains language beyond the language prescribed in Article III, Section 50 of the Missouri Constitution.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

March 19, 2009

OPINION LETTER NO. 110-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of March 12, 2009, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition (version 1) submitted by Todd Jones regarding a proposed constitutional amendment related to Article III. The fiscal note summary that you submitted is as follows:

This proposal could jeopardize federal grants to state and local governmental entities for medical assistance programs. The total costs to state and local governmental entities are unknown.

Under Section 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

March 19, 2009

OPINION LETTER NO. 111-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of March 12, 2009, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition (version 2) submitted by Todd Jones regarding a proposed constitutional amendment related to Article III. The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities. Federal grants to state governmental entities for research programs may be in jeopardy. The total costs to state and local governmental entities are unknown.

Under Section 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster" with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

March 19, 2009

OPINION LETTER NO. 112-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of March 12, 2009, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition (version 3) submitted by Todd Jones regarding a proposed constitutional amendment related to Article III. The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities. Federal grants to state governmental entities for research programs may be in jeopardy. The total costs to state and local governmental entities are unknown.

Under Section 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal flourish extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

March 19, 2009

OPINION LETTER NO. 113-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 13, 2009, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition (version 1) submitted by Todd Jones regarding a proposed constitutional amendment related to Article III. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to make it illegal for the legislature or state or local governments to expend, pay, or grant public funds to hospitals or other institutions for abortion services, as defined by the general assembly in section 196.1127, Revised Statutes of Missouri 2003, including those necessary to save the life of the mother?

Pursuant to Section 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-8321

March 19, 2009

OPINION LETTER NO. 114-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 13, 2009, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition (version 2) submitted by Todd Jones regarding a proposed constitutional amendment related to Article III. The proposed summary statement is as follows:

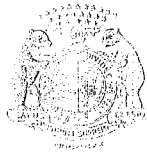
Shall the Missouri Constitution be amended to make it illegal for the legislature or state or local governments to expend, pay, or grant public funds to hospitals or other institutions for certain types of stem cell research currently allowed under Missouri law?

Pursuant to Section 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

March 19, 2009

OPINION LETTER NO. 115-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 13, 2009, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition (version 3) submitted by Todd Jones regarding a proposed constitutional amendment related to Article III. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to make it illegal for the legislature or state or local governments to expend, pay, or grant public funds to hospitals or other institutions for certain research, as defined by the general assembly in section 196.1127, Revised Statutes of Missouri 2003, including certain types of stem cell research currently allowed under Missouri law?

Pursuant to Section 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ch. Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General
www.ago.mo.gov



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
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March 19, 2009

OPINION LETTER NO. 116-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 13, 2009, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by David Rouchka (version 3) regarding a proposed constitutional amendment related to Article I. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to:

- restate the existing statutory guarantee of a secret ballot in federal, state, and local elections; and
- change the current law relating to employees organizing for union or other representation by eliminating the ability of employees to use the existing sign up process to choose such representation and only allowing a secret ballot election?

Pursuant to Section 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

April 3, 2009

OPINION LETTER NO. 117-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 23, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 5) submitted by Angela Basham.

We conclude that the petition must be rejected for the following reasons:

- The petition is not in the proper form as prescribed by Section 116.040, RSMo; and
- The petition is not in the proper form as prescribed by Section 116.050, RSMo.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

April 15, 2009

OPINION LETTER NO. 120-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated April 6, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 6) submitted by Angela Basham.

We conclude that the petition must be rejected for the following reasons:

- The petition is not in the proper form as prescribed by Section 116.050, RSMo.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-8321

May 6, 2009

OPINION LETTER NO. 122-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated April 28, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 7) submitted by Angela Basham.

We conclude that the petition must be rejected for the following reason:

- The petition is not in the proper form as prescribed by Section 116.050, RSMo.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, reading "Joe Dandurand".

JOE DANDURAND

Deputy Attorney General

BOOKING FEES:
SHERIFFS:
SHERIFF'S FEES:

A county sheriff's office may not charge a booking fee unless the power to do so has been expressly or impliedly granted. There is no express statutory authority for the sheriff to charge a booking fee. And, this power is not necessary or indispensable to the power to run the jail. Therefore, the county sheriff may not charge a booking fee before a person has entered a guilty plea or had an adjudication of guilt.

OPINION NO. 124-2009

October 29, 2009

Honorable Courtney George
Phelps County Prosecuting Attorney
200 North Main
Rolla, MO 65401

Dear Ms. George:

This opinion is in response to your request regarding whether the Phelps County Sheriff's Department may charge a \$15-\$20 booking fee to inmates booked into the Phelps County Sheriff's Department.

Local governments and public corporations "have no inherent powers but are confined to those expressly delegated by the sovereign and to those powers necessarily implied in the authority to carry out the delegated powers." *Christian County v. Edward D. Jones and Co., L.P.*, 200 S.W.3d 524, 527 (Mo. banc 2006), quoting *Premium Standard Farms, Inc. v. Lincoln Township of Putnam County*, 946 S.W.2d 234, 238 (Mo. banc 1997). Counties and public corporations "may only exercise powers (1) granted to them in express words by the state, (2) those necessarily and fairly implied in or incident to those powers expressly granted, and (3) those essential and indispensable to the declared objectives and purposes of the county." *Borron v. Farrenkopf*, 5 S.W.3d 618, 620-21 (Mo. App. W.D. 1999); *Premium Standard Farms, Inc. v. Lincoln Township of Putnam County*, 946 S.W.2d at 238. If the local governmental body acts beyond its authority, its acts are void. *Borron v. Farrenkopf*, 5 S.W.3d at 620.

Under these cases, the county sheriff's office has no power to charge a booking fee unless a statute specifically authorizes the charge, or there is a statute that necessarily implies that this power exists, or the power is indispensable to carrying out the purposes of the county.

The first question is whether any statute specifically authorizes the sheriff's office to charge a booking fee.¹ Various statutes expressly grant county sheriffs power to charge numerous fees in numerous situations. *See, e.g.*, § 57.290, § 141.960, § 246.020, § 246.030, and § 272.300. But no statute expressly grants county sheriffs authority to charge a booking fee.

The request refers to § 488.5334, RSMo 2000. However, this statute only allows a court to charge a booking fee, not a sheriff. *Id.* Also, the fee can only be imposed after a plea or finding of guilt, not upon being booked into jail. *Id.* And, the fee can only be imposed for specific offenses. *Id.* Therefore, this statute does not give a county sheriff authority to charge a booking fee. *See* Attorney General Opinion 77-1981 (without specific statutory authority, sheriff could not require fee deposit before serving process).

Another statute, § 221.070, RSMo Cum. Supp. 2004, also seems germane at first. This statute provides as follows:

Every person who shall be committed to the common jail within any county in this state, by lawful authority, for any offense or misdemeanor, upon a plea of guilty or a finding of guilt for such offense, shall bear the expense of carrying him or her to said jail, and also his or her support while in jail, before he or she shall be discharged; and the property of such person shall be subjected to the payment of such expenses, and shall be bound therefor, from the time of his commitment, and may be levied on and sold, from time to time, under the order of the court having criminal jurisdiction in the county, to satisfy such expenses.

Id. This section does allow the recovery of costs of confinement when a person is committed to jail. *Id.* However, the commitment referred to here is only after a guilty plea or finding of guilt, and the person's property may only be "bound" at or after the person is so committed. *Id.* Therefore, this section does not authorize a county sheriff to charge a fee upon a person's being booked, before any plea or finding of guilt has been entered.

¹If a booking fee were authorized, it would not be paid to the sheriff, but would be paid to the county's general revenue fund. Mo. Const. Art. VI, § 13; Attorney General Opinion No. 74-1955.

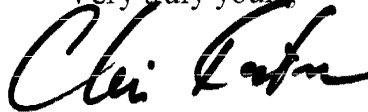
In sum, there is no statutory authority for a county sheriff to charge a fee when a person is booked into jail.

The next question is whether the power to charge a booking fee is necessary or indispensable to the power to run the sheriff's office and jail. *Premium Standard Farms, Inc. v. Lincoln Township of Putnam County*, 946 S.W.2d at 238. County taxes may be used to pay for law enforcement expenses. *See, e.g.*, § 67.584. The costs of incarcerating prisoners in county jails are calculated by the county governing board. Section 221.105. If the jail needs more supplies to operate, the sheriff can provide those and the county commission pays for it. Section 221.080.² Because there are other sources of funding to provide for the operation of the jail, the jail will not cease to operate if the sheriff cannot charge a booking fee. Therefore, the power to charge a booking fee is not necessary or indispensable to the power to run the jail.

CONCLUSION

A county sheriff's office may not charge a booking fee unless the power to do so has been expressly or impliedly granted. There is no express statutory authority for the sheriff to charge a booking fee. And, this power is not necessary or indispensable to the power to run the jail. Therefore, the county sheriff may not charge a booking fee before a person has entered a guilty plea or had an adjudication of guilt.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive style.

CHRIS KOSTER
Attorney General

²The county sheriff in certain counties makes quarterly reports to the county regarding the status of the jail, and makes recommendations relating to the operation of the jail. Section 57.102, Section 57.407.

ALIENS:
MUNICIPALITIES:
SANCTUARY POLICY:

Section 67.307, when read in combination with §§ 285.530, .535, and .550, requires that a municipality (1) notify its law enforcement officers of their duty to cooperate with state and federal officials enforcing the immigration laws and (2) revoke any permit or license of a person upon notice from the Attorney General that the permittee or licensee has been found to employ illegal aliens.

OPINION NO. 125-2009

June 5, 2009

Honorable Timothy P. Green
State Senator, District 13
Room 330, State Capitol
Jefferson City, MO 65101

Dear Senator Green:

You have asked:

What obligations does § 67.307, RSMo Cum. Supp. 2008,¹ impose on municipalities?

Section 67.307 applies to municipalities, which are defined as “any county, city, town, or village.” Section 67.307.1(2). That section directly imposes one obligation on municipalities. But it also attaches a penalty to an obligation found in §§ 285.530, .535, and .550.

The direct obligation is found in § 67.307.3, which requires that the municipality’s governing body, sheriff, or chief of police give each law enforcement officer written notice that they have a duty to cooperate with state and federal officials in enforcing immigration laws. The term “law enforcement officer” covers all those county sheriffs and municipal peace officers who have the power to arrest people for violating criminal laws.

¹All statutes cited are RSMo Cum. Supp. 2008.

Section 67.307.1(1). The municipality's obligation is fulfilled by giving the written notice to each of its law enforcement officers.

Section 67.307 also attaches a penalty to the obligation to revoke certain licenses and permits, found in §§ 285.530, .535, and .550. To understand the penalty associated with the obligation to revoke certain licenses and permits, we first turn to § 67.307.2, which provides that: "No municipality shall enact or adopt any sanctuary policy." The first way a municipality may create a "sanctuary policy" is by adopting an order or ordinance which restrains municipal officers or employees from verifying or reporting to a federal agency or official the immigration status of any alien within the municipality. Section 67.307.1(4)(a). The second way a municipality creates a "sanctuary policy" is by adopting an order or ordinance which, in violation of federal law, gives illegal immigrants lawful presence in the municipality. Section 67.307.1(4)(b). It is the third way a municipality creates a "sanctuary policy" that leads to the municipality's obligation to revoke the license or permit of a business after notice that the business is employing illegal aliens.

The associated obligation to revoke certain licenses and permits arises under §§ 285.530 and 285.535. Pursuant to § 285.550, if a federal check shows that a business is employing illegal aliens, and if the business does not remedy the situation, then the Attorney General may ask a court to determine that the business is violating § 285.535. If the court so determines, and the employer has a business license or permit from a municipality, the Attorney General notifies the municipality of the finding and the municipality is required to revoke the license or permit "within fifteen days." Section 285.550. If the municipality does not, it is deemed to have created a sanctuary policy. Section 285.550.

That takes us back to § 67.307, which imposes a penalty on municipalities that have created sanctuary policies:

Any municipality that enacts or adopts a sanctuary policy shall be ineligible for any moneys provided through grants administered by any state agency or department until the sanctuary policy is repealed or is no longer in effect.

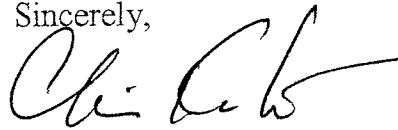
Section 67.307.2. Thus, § 67.307, in addition to the direct obligation to give particular notice to its law enforcement officers, acts with §§ 285.530, .535, and .550 to require that municipalities revoke license and permits of businesses found to employ illegal aliens.

Honorable Timothy P. Green
Page 3

CONCLUSION

Section 67.307, when read in combination with §§ 285.530, .535, and .550, requires that a municipality (1) notify its law enforcement officers of their duty to cooperate with state and federal officials enforcing the immigration laws and (2) revoke any permit or license of a person upon notice from the Attorney General that the permittee or licensee has been found to employ illegal aliens.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal flourish extending to the right.

CHRIS KOSTER
Attorney General

ARRESTS:
COUNTY CORONER:
PEACE OFFICERS & PEACE
OFFICERS RECORDS:

Because coroners are conservators of the peace they have the power to arrest for any felony or misdemeanor committed in their presence, and to arrest when they reasonably believe the arrestee has committed a felony, even out of their presence.

OPINION NO. 126-2009

November 19, 2009

The Honorable Shelley Keeney
State Representative, District 156
State Capitol Room 409B
201 West Capitol Avenue
Jefferson City, Missouri 65101-6806

Dear Representative Keeney:

This opinion is in response to your request asking three questions regarding the powers of arrest belonging to county coroners.

Coroners are Conservators of the Peace

A coroner's general powers and duties are set out in Chapter 58.¹ Section 58.180 provides: "A coroner shall be a conservator of the peace throughout his county, and shall take inquests of violent and casual deaths happening in the same, or where the body of any person coming to his death shall be discovered in his county."² Various statutes designate other officers as "conservators of the peace," and include limitations on that designation in the same subsection. *See, e.g.,* § 311.630 (employees of alcohol and tobacco control may be designated peace officers, with power to arrest and execute search warrants, but only relating to certain crimes, and only after completing certain training); § 320.230 (if state fire marshal and investigators have attained proper peace officer certification, they shall notify local law enforcement and have all powers of arrest relating to the fire offenses, and all offenses if local officers ask for their assistance).

In addition to designation as "a conservator of the peace," the statute provides that every coroner shall perform all duties of the sheriff when the sheriff is a party to or interested in the suit, related to or prejudiced against any party to a suit, or disqualified

¹All references are to RSMo 2000, unless otherwise noted.

²The original version of this statute was passed in 1807. 1 Terr.L., p. 103, § 1.

from acting, § 58.190, and that the coroner must take on all the sheriff's duties when the sheriff's office becomes vacant. Section 58.200. Under §§ 58.190-200, the coroner essentially becomes the acting sheriff when the sheriff is unable to perform those duties. *State v. Crocket*, 90 Mo. 37, 1 S.W. 753, 754 (1886) (plain import of statute is to substitute coroner for sheriff when certain contingencies occur); *Carr v. Youse*, 39 Mo. 346, 1866 WL 4354, *3-*4 (1866) (coroner had all powers of sheriff when the office was vacant, and could turn over all unfinished sheriff business to the new sheriff that took office). Thus, the coroner is an emergency replacement for the sheriff, and is expressly required to perform all the sheriff's duties, but only when the sheriff cannot.

One might conclude that a coroner is only a conservator of the peace for the limited purpose of taking over the sheriff's duties in certain situations, because that duty is expressed immediately after the section designating a coroner a conservator of the peace. Sections 58.180-200. But that would be inconsistent with the broad language of the coroner statute in comparison to statutes designating others as "conservators of the peace."

In Missouri, Conservators of the Peace
are Different than Peace Officers

No statute defines what powers a coroner has under § 58.180 as a conservator of the peace. Nor has the term been addressed in any reported decision.

In defining "conservator of the peace," Black's Law Dictionary includes "peace officer" as a synonym. *Black's Law Dictionary*, 7th Ed., p. 300 (1999). It defines "peace officer," in turn, as: "A civil officer (such as a sheriff or police officer) appointed to maintain public tranquility and order. This term may also include a judge who hears criminal cases or another public official (such as a mayor) who may be statutorily designated as a peace officer for limited purposes." *Id.* at 1151. A coroner would appear to belong to the latter set of conservators of the peace because a coroner is an elected public official, § 58.020, who is statutorily designated a conservator of the peace, § 58.180, and, under special situations, may act as the sheriff. Sections 58.190-200.

But even though Black's Law Dictionary and several cases cited below treat "conservators of the peace" and "peace officers" as the same thing, Missouri statutes do not use the terms interchangeably. Some statutes grant special powers and duties to "peace officers"; others expressly put "peace officers" in a different class than coroners. For example, "peace officers" who have power to arrest must submit to certain training and licensing requirements in order to hold a commission. Section 590.010, § 590.020.

Coroners are not among those who normally do receive such training and hold such commission; and, if a coroner did not submit to the training, a coroner would not have the statutory privileges associated with that commission. Similarly, § 571.030.2(9) specifically exempts coroners from certain provisions of the unlawful use of a weapon statute. Peace officers are given the same exception, but under a distinct subsection. Section 571.030.2(1). And, the definition of “peace officer” set out in § 542.261, RSMo Cum. Supp. 2004, does not include coroners. These sections demonstrate that even though coroners are “conservators of the peace,” and Black’s Law Dictionary considers that term synonymous with “peace officer,” Missouri statutes distinguish coroners from other “peace officers,” and coroners are not given all their powers.³

Because Missouri statutes use the term “peace officer” distinctly from “conservator of the peace,” it cannot be claimed that coroners have all the powers given by Missouri statute to peace officers. So, one must examine the Missouri statutes regarding “conservators of the peace” to determine what powers of arrest a coroner has. If the term “conservator of the peace” is not defined in the Missouri statutes, one must then look to the common law for a definition.

Statutory Treatment of Conservators of the Peace

Some statutes designate certain persons conservators of the peace for limited purposes. See, e.g. § 311.630 (employees of the Division of Alcohol and Tobacco Control); § 320.230 (fire marshals who have completed peace officer training). In contrast, § 58.180 plainly designates a coroner a conservator of the peace, and puts no limitations on that designation. See *Cantwell v. Douglas County Clerk*, 988 S.W.2d 51, 56 (Mo.App. S.D. 1999) (differences in pay statutes evidenced legislative intent to treat county officers differently); *Jantz v. Brewer*, 30 S.W.3d 915, 918 (Mo.App. S.D. 2000) (“legislature is presumed to . . . act intentionally when it includes language in one section of a statute but omits it from another.”).

³Further, if a coroner were essentially another deputy sheriff, and therefore were required to act under the sheriff, this would conflict with the coroner’s duty to take over that office when the sheriff is unable to act. See *Attorney General Opinion* 104-1968 (offices of coroner and deputy sheriff are incompatible, because if the sheriff vacated the office and the coroner took over, the coroner would be supervising himself). See also § 304.230 (“peace officers,” “police officers,” and “highway patrol officers” are not the same thing). Therefore, coroners do not have all the powers and duties of police officers or other law enforcement officers.

Because the statute clearly designates a coroner a conservator of the peace, and does not limit a coroner's powers as a conservator of the peace, a coroner is statutorily given all powers belonging to that designation. But the statute does not explain what those powers are. The lack of any definition in the statute designating coroners conservators of the peace and the fact that the law dates from 1807 suggest that the legislature intended to use the common law meaning of the term conservator of the peace. *State ex rel. Nixon v. Hughes*, 281 S.W.3d 902, 910 (Mo.App. W.D. 2009) ("When the General Assembly does not include a definition of a term but it has a common law meaning, we presume that the General Assembly intended that meaning.").

Common Law Powers of Arrest Belonging to Conservators of the Peace

At common law, those termed "conservators of the peace" generally had power to arrest when a disturbance of the peace occurred. *See Atwater v. City of Lago Vista*, 532 U.S. 318, 330; 121 S.Ct. 1536, 1545 (2001) (citing common law that: "A constable or other known conservator of the peace may lawfully interpose upon his own view to prevent a breach of the peace, or to quiet an affray. . . ."); *Payton v. New York*, 445 U.S. 573, 605, 100 S.Ct. 1371, 1389 (1980) (citing common law that constable, "[a]s conservator of the peace, . . . possessed, virtute officii, a great original and inherent authority with regard to arrests, and could without any other warrant but from himself arrest felons, and those that were probably suspected of felonies.") (citations, quotation marks, and editing marks omitted); *State v. Henderson*, 660 S.W.2d 373, 375 (Mo.App. E.D. 1983) ("The duties of a conservator of the peace are not defined by statute, but at common law a conservator of the peace was a peace officer whose duties 'were to prevent and arrest for breaches of the peace in their presence, but not to arraign and try the offender.'"); *see State, on Inf. of McKittrick v. Williams*, 144 S.W.2d 98, 104 (Mo. banc 1940) (sheriff, as principal conservator of the peace in the county, had power and duty to arrest felons).

Cases from other jurisdictions also agree that, at common law, conservators of the peace had the power to arrest for breaches of the peace occurring in their presence. *See Ex parte Levy*, 163 S.W.2d 529, 532 (Ark. 1942) (at common law, duties of conservators of the peace "were to prevent and arrest for breaches of the peace in their presence, but not to arraign and try the offender"); *Marcuchi v. Norfolk & W. Ry. Co.*, 94 S.E. 979, 980-81 (W.Va. 1918) (at common law, conservators of the peace have duty to arrest for breaches of peace committed in their presence, and may arrest without a warrant); *State v. Shockley*, 80 P. 865, 867-68 (Utah 1905) (at common law, conservators of the peace had duty to prevent breaches of the peace and to arrest for breaches of the peace committed in

their presence); *In re Barker*, 56 Vt. 14, 20, 1884 WL 6546 (1884) (original “conservators of the peace” were created under reign of King Edward III, and given power to arrest at the first sign of “uproar and force” before “it should grow up to any offer of danger.”). These cases show that at common law, peace officers could arrest for imminent breaches of the peace or those committed in their presence.

Peace officers also had the power to arrest for felonies not committed in their presence, even without a warrant. In *United States v. Watson*, 423 U.S. 411, 418-19, 96 S.Ct. 820, 825 (1976), the United States Supreme Court examined the common law powers of arrest of a peace officer, and stated:

The cases construing the Fourth Amendment thus reflect the ancient common-law rule that a peace officer was permitted to arrest without a warrant for a misdemeanor or felony committed in his presence as well as for a felony not committed in his presence if there was reasonable ground for making the arrest. This has also been the prevailing rule under state constitutions and statutes. “The rule of the common law, that a peace officer or a private citizen may arrest a felon without a warrant, has been generally held by the courts of the several States to be in force in cases of felony punishable by the civil tribunals.”

United States v. Watson, 423 U.S. 411, 418-19, 96 S.Ct. 820, 825 (1976) (citations omitted). This has also been the law in Missouri. *State v. Vollmar*, 389 S.W.2d 20, 24 (Mo. 1965) (“The general rule is that [an officer] may arrest without a warrant any person whom he has reasonable cause to believe has committed a felony and anyone committing a misdemeanor in his presence.”); *Taaffe v. Slevin*, 11 Mo.App. 507, 1882 WL 9702, *4 (1882) (same).

In summary, at common law, conservators of the peace have authority to arrest for any felony or misdemeanor committed in their presence, and to arrest when they reasonably believe the arrestee has committed a felony, even out of their presence.

Coroner’s Power of Arrest

When the coroner is required to act as the sheriff, the coroner has all the powers of the sheriff, §§ 58.190-200, which, of course, includes all the powers a sheriff has to arrest.

And, as a conservator of the peace, a coroner has the common law power to arrest for any felony or misdemeanor committed in his or her presence, and to arrest when he or she reasonably believes the arrestee has committed a felony, even out of his or her presence.

However, a similar power of arrest has been granted to all private people in Missouri: "The arrest of a person may be lawfully made also by any peace officer *or a private person*, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year," Section 548.141 (emphasis added).⁴ Under this statute, a private person has authority to arrest when the arrestee has been charged with a felony. Further, § 563.051.2 grants all private persons "acting on [their] own account" the authority to arrest, including using physical force if necessary, when the person reasonably believes the arrestee has committed a crime, and the arrestee has "in fact committed such crime." In sum, these statutes allow a private person to arrest for any crime (whether felony, misdemeanor, or other), when the person reasonably believes the crime has occurred and the arrestee has actually committed the crime.

Therefore, although a coroner enjoys the common law powers of arrest granted to conservators of the peace, this power of arrest is similar in scope to the power of arrest all private people enjoy. But when a coroner is acting as the sheriff, the coroner's powers of arrest are the same as a sheriff's powers of arrest.

CONCLUSION

In conclusion, coroners are conservators of the peace. Although these terms are used interchangeably at common law, they are not used interchangeably in Missouri statutes. Therefore, any special statutory powers granted to peace officers are not granted to coroners unless coroners are specifically included in the particular statute. But, because the term "conservator of the peace" is not defined in Missouri statutes, coroners have the common law powers granted to conservators of the peace. The common law power of arrest is similar to the power of arrest enjoyed by all private persons in Missouri, and consists of the power to arrest for any felony or misdemeanor committed in

⁴This statute is within the sections regarding extradition of individuals in this state accused of committing crimes in other states, but its language is not limited to that situation.

their presence, and to arrest when they reasonably believe the arrestee has committed a felony, even out of their presence.

Thus, your three questions are answered as follows:

- 1) Does a county coroner in the state of Missouri have the power of arrest?

Yes. As a conservator of the peace, a coroner has the common law power to arrest for any felony or misdemeanor committed in his or her presence, and to arrest when he or she reasonably believes the arrestee has committed a felony. A coroner also has the power of arrest granted to private citizens. Additionally, if the sheriff cannot act due to the contingencies listed in §§ 58.190-200, the coroner has all the powers and duties of the sheriff until a new sheriff is appointed, which powers would include the sheriff's power of arrest.

- 2) What authority is granted to those who by statute are conservators of the peace in regard to arrest powers?

Some statutes specially designate a person a conservator of the peace only for limited purposes, and only give the power to arrest in certain situations. *See, e.g.*, § 311.630; § 320.230. But a coroner's designation is not limited. Section 58.180. Because no statute delineates the general powers of arrest of a conservator of the peace, a coroner has those powers of arrest given at common law to conservators of the peace. This power of arrest is for any felony or misdemeanor committed in his or her presence, and to arrest when he or she reasonably believes the arrestee has committed a felony.

- 3) If the coroner has the power of arrest, is it limited to only when a death is involved?

No.

Very truly yours



CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

June 3, 2009

OPINION LETTER NO. 127-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated May 26, 2009, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article X of the Missouri Constitution submitted by Angela Basham (version 8).

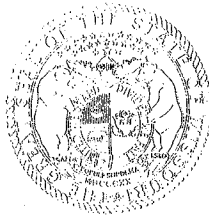
We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. BOX 899
(573) 751-3321

June 17, 2009

OPINION LETTER NO. 129-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 9, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theo Ted Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General

APPOINTMENTS:
COUNTY SHELTERED WORKSHOPS:
MEMBERS OF BOARD OF DIRECTORS:
QUALIFICATIONS:

The death of a handicapped relative should not result in the removal of a board member under § 205.970. Thus, absent a statutory reason for removal, a board member should be permitted to complete their appointed term despite the death of a handicapped relative.

OPINION NO. 130-2009

November 23, 2009

The Honorable Charlie Shields
Missouri State Senator
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Shields:

In a letter dated June 4, 2009, you submitted the following question to this office for response:

Is the requirement under RSMo Section 205.970, that two directors "shall be related by blood or marriage within the third degree to a handicapped person," met if two directors had such a relative at the time of their selection as directors but the handicapped relative of one of the directors passes away prior to the end of such director's term?

Chapter 205 of the Revised Statutes of Missouri governs county sheltered workshops and developmental disability services. And § 205.970, RSMo, sets forth the qualifications and terms for the board of directors. Specifically, it provides as follows:

[T]he governing body of the county or city not within a county shall appoint a board of directors consisting of a total of nine members, two of whom shall be related by blood or marriage within the third degree to a handicapped person as defined in section 205.968,¹ and four of whom shall be public members. At least seven of the board members shall be

¹The definition of "handicapped person" in § 205.968 implies a living handicapped person (i.e. "who is" and "who has"), but the statute does not expressly require that a living handicapped relative is necessary to satisfy § 205.970.1.

residents of the county or city not within a county where the facility is located.

Section 205.970.1. The section goes on to establish that “all board members shall be appointed to serve for a term of three years, except that of the first board appointed.” *Id.* (establishing terms of one, two, and three years for the first board, and therefore staggering the board terms).

The terms of board members are not tied to the criteria a board member may satisfy when appointed under § 205.970.1. Furthermore, the plain language of the statute does not provide that the term of a board member expires if they no longer satisfy the criteria under which they may have been appointed. Nevertheless, as set forth in Attorney General Opinion 116-2006, Missouri follows the rule adopted by a majority of states:

The cases generally hold that when residence is a prerequisite to a given office then a change of residence vacates that office, absent a legislative expression to the contrary. . . . [W]hen a statute by its language provides qualifications for an office at the time of election or appointment ‘such qualification is a continuing one; that is, it must subsist during the entire term of office.’

Attorney General Opinion 116-2006, p. 4 (citing *Dorf v. Skolnik*, 280 Md. 101, 115, 371 A.2d 1094, 1101-02 (Md. Ct. App. 1977) and quoting *State ex rel. Fugina v. Pierce*, 191 Wis. 1, 3, 209 N.W. 693 (1926)). Thus, the Attorney General opined in 116-2006 that “[i]f trustees of community college districts who are elected to represent subdistricts, and who must be residents of those subdistricts at the time of election pursuant to Section 178.820, RSMo 2000, move their residence from those subdistricts, those trustees are disqualified from the office of trustee.” *Id.* at 5; *see also* Attorney General Opinion 81-72 (concluding that a trustee forfeits office if the trustee voluntarily moves).

The situation described in your question is different than that reviewed in Opinion 116-2006, in at least two significant ways. First, the action reviewed in Opinion 116-2006 was a voluntary change in residence akin to abandonment. In contrast, the situation described in this case is involuntary. The legislature could have easily contemplated that a board member may lose their handicapped relative to death. *See* Attorney General Opinion 81-72 (analyzing a statute in which the legislature provided for replacement if a board chair decided to “remove from the town”). Yet, there was no

provision made for removing a board member based on the death of their handicapped relative. Which leads to the second significant difference from the situation reviewed in Opinion 116-2006.

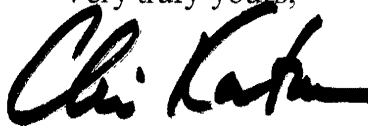
Unlike the statute considered in Opinion 116-2006, § 205.970 actually sets forth specific grounds for removal. Section 205.970.8. Section 205.970.8 provides an exclusive list for removal of a board member. *Id.* The death of a handicapped relative is not one of the reasons for removal. This implicates the statutory construction maxim *expression unius est exclusion alterius*, or “the express mention of one thing implies the exclusion of another.” *Wolff Shoe Co. v. Dir. of Revenue*, 762 S.W.2d 29, 32 (Mo. banc 1988) (quoting *Harrison v. MFA Mut. Ins.*, 607 S.W.2d 137, 146 (Mo. banc 1980)). Because there is an exclusive list of reasons for removal of a board member, it can be implied that the death of a handicapped relative does not result in the removal of a board member. For these reasons, the general rule should not apply to cut short an appointed term in the situation you describe.²

Once the next board term is completed, however (of which there should be three every year), the board position or positions must be filled so as to conform to the statutory criteria for the board.

CONCLUSION

In conclusion, the death of a handicapped relative should not result in the removal of a board member under § 205.970. Thus, absent a statutory reason for removal, a board member should be permitted to complete their appointed term despite the death of a handicapped relative.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive style.

CHRIS KOSTER
Attorney General

²In the event that the board member described in your situation is determined to have forfeited the office because of the death of a handicapped relative, the actions of the board would remain valid as the board member would remain a *de facto* officer. See Attorney General Opinion 81-72.



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
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June 23, 2009

OPINION LETTER NO. 132-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of June 15, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Angela Basham (version 8) regarding a proposed constitutional amendment to Article X of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

Prohibiting the levy of property and sales taxes by local governments would eliminate or reduce funding for local governmental services, including public schools, transportation, safety, and health programs. State governmental services to the blind would be eliminated or reduced. The estimated cost to state and local governmental entities could exceed \$8.5 billion annually.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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ATTORNEY GENERAL

P.O. Box 899
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June 25, 2009

OPINION LETTER NO. 133-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 16, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article III of the Missouri Constitution submitted by Todd Jones (version 1).

We conclude that the petition must be rejected for at least the following reason:

The introductory sentence to the full and correct text of the proposed measure does not conform with § 116.050, RSMo.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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June 25, 2009

OPINION LETTER NO. 134-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 16, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article III of the Missouri Constitution submitted by Todd Jones (version 2).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, reading "Chris Koster", is positioned above the printed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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June 25, 2009

OPINION LETTER NO. 135-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 16, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article III of the Missouri Constitution submitted by Todd Jones (version 3).

We conclude that the petition must be rejected for at least the following reason:

The introductory sentence to the full and correct text of the proposed measure does not conform with § 116.050, RSMo.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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ATTORNEY GENERAL

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June 25, 2009

OPINION LETTER NO. 136-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of June 17, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for House Joint Resolution No. 15. The fiscal note summary that you submitted is as follows:

The number of qualified former prisoners of war and the amount of each exemption are unknown, however, because the number who meet the qualifications is expected to be small, the cost to local governmental entities should be minimal. Revenue to the state blind pension fund may be reduced by \$1,200.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the joint resolution or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-8321

June 25, 2009

OPINION LETTER NO. 137-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of June 17, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for Senate Joint Resolution No. 5. The fiscal note summary that you submitted is as follows:

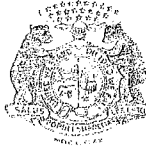
It is estimated this proposal will have no costs or savings to state or local governmental entities.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the joint resolution or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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June 25, 2009

CHRIS KOSTER
ATTORNEY GENERAL

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OPINION LETTER NO. 138-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 25, 2009, for our review under § 116.334, RSMo, of a revised proposed summary statement prepared for the petition submitted by Angela Basham (version 8) regarding a proposed constitutional amendment to amend Article X of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to restrict the ability of the General Assembly, counties, and other political subdivisions to tax and generate revenue by limiting the General Assembly's power to pass legislation that permits counties and other political subdivisions to tax for county, municipal, and other purposes; removing the authority to tax Missourian's real or personal property; requiring that any increase to state income taxes be approved by a majority vote of the people; and by removing or modifying certain other tax provisions?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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June 25, 2009

OPINION LETTER NO. 139-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of June 18, 2009, submitting a proposed summary statement prepared under § 116.160, RSMo, for Senate Joint Resolution No. 5 relating to county assessors. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to require the office of county assessor to be an elected position in all counties with a charter form of government, except counties with a population between 600,001-699,999?

Pursuant to § 116.160, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the joint resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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June 25, 2009

OPINION LETTER NO. 140-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

You have submitted a proposed fair ballot language statement for Senate Joint Resolution No. 5 relating to county assessors. The fair ballot language statement, prepared pursuant to § 116.025, RSMo, is as follows:

A “yes” vote will amend the Missouri Constitution to require that assessors in charter counties be elected officers. This proposal will affect St. Louis County and any county that adopts a charter form of government. The exception is for a county that has between 600,001-699,999 residents, which currently is only Jackson County.

A “no” vote will not change the current requirement for charter counties.

If passed, this measure will not have an impact on taxes.

Pursuant to § 116.025, RSMo, we approve the legal content and form of the proposed fair ballot language statement.

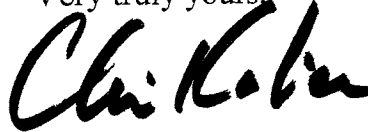
Honorable Robin Carnahan

Page 2

June 25, 2009

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the joint resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, reading "Chris Koster". The signature is written in a cursive, flowing style with a large initial "C".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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ATTORNEY GENERAL

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June 25, 2009

OPINION LETTER NO. 141-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of June 18, 2009, submitting a proposed summary statement prepared under §116.160, RSMo, for House Joint Resolution No. 15 relating to property tax exemption. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to require that all real property used as a homestead by Missouri citizens who are former prisoners of war and have a total service-connected disability be exempt from property taxes?

Pursuant to § 116.160, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the joint resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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June 25, 2009

OPINION LETTER NO. 142-2009

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

You have submitted a revised proposed fair ballot language statement for House Joint Resolution No. 15 relating to property tax exemption. The fair ballot language statement, prepared pursuant to § 116.025, RSMo, is as follows:

A “yes” vote will amend the Missouri Constitution to exempt from property taxes all real property used as a homestead by any Missouri citizen who is a former prisoner of war with a total service-connected disability.

A “no” vote will not add this exemption to the Missouri Constitution.

If passed, this measure will decrease property taxes for qualified citizens.

Pursuant to § 116.025, RSMo, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the joint resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



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June 25, 2009

OPINION LETTER NO. 143-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 22, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theo Ted Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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June 25, 2009

OPINION LETTER NO. 144-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 22, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theo Ted Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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June 25, 2009

OPINION LETTER NO. 148-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 23, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theo Ted Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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June 25, 2009

OPINION LETTER NO. 149-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 24, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theodis "Ted" Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
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CHRIS KOSTER
ATTORNEY GENERAL

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July 1, 2009

OPINION LETTER NO. 150-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 25, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article X of the Missouri Constitution submitted by Charles W. Hatfield (version 1).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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CHRIS KOSTER
ATTORNEY GENERAL

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July 1, 2009

OPINION LETTER NO. 151-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated June 25, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article X of the Missouri Constitution submitted by Charles W. Hatfield (version 2).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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CHRIS KOSTER
ATTORNEY GENERAL

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July 9, 2009

OPINION LETTER NO. 155-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 1, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article X of the Missouri Constitution submitted by Charles W. Hatfield (version 3).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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CHRIS KOSTER
ATTORNEY GENERAL

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July 9, 2009

OPINION LETTER NO. 156-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 6, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Theo Ted Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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(573) 751-8321

July 9, 2009

OPINION LETTER NO. 157-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 6, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Todd Jones (version 2) regarding a proposed constitutional amendment to Article III of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

For fiscal year 2010, the state budgeted \$28.7 million for Medicaid benefits and \$13.3 million for increasing research capacity from the Life Sciences Research Trust Fund. This proposal requires the first \$200 million, annually, be spent on healthcare for low-income Missourians. The total cost or savings to state and local governmental entities are unknown.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 158-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theodis "Ted" Brown (version 2).

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 160-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article I of the Missouri Constitution submitted by Marsha Taylor, M.D. (version 2).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 161-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article III of the Missouri Constitution submitted by Todd Jones (version 1).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 809
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 162-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article III of the Missouri Constitution submitted by Todd Jones (version 2).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 163-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article III of the Missouri Constitution submitted by Todd Jones (version 3).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 164-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article III of the Missouri Constitution submitted by Todd Jones (version 4).

We conclude that the petition must be rejected for at least the following reason:

The proposed amendment does not conform to § 116.050, RSMo, in that it purports to repeal itself.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 165-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article III of the Missouri Constitution submitted by Todd Jones (version 5).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 166-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 9, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Todd Jones (version 2) regarding a proposed constitutional amendment to Article III of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to reduce the amount of money available by 200 million dollars to improve the quality of life sciences research in Missouri and redirect this money solely to pay for certain primary healthcare for low-income Missourians?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in cursive script, reading "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 167-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 9, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article I of the Missouri Constitution submitted by Tim Asher.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 15, 2009

OPINION LETTER NO. 168-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 9, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theo Ted Brown (version 3).

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 24, 2009

OPINION LETTER NO. 169-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 14, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theo Ted Brown (version 4).

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 24, 2009

OPINION LETTER NO. 171-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 15, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Charles W. Hatfield (version 1) regarding a proposed constitutional amendment to Article X, Section 25 of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

This proposal could prohibit income taxation on gains from the sale of real estate. Such prohibition may result in an unknown reduction in total state revenues and estimated administrative costs of \$93,160, annually, to state governmental entities. It is estimated this proposal will have no costs or savings to local governmental entities.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours

A handwritten signature in black ink, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 24, 2009

OPINION LETTER NO. 172-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 15, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Charles W. Hatfield (version 2) regarding a proposed constitutional amendment to Article X, Section 25 of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

It is estimated this proposal will have no costs or savings to state or local governmental entities.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 24, 2009

OPINION LETTER NO. 173-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 16, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Charles Hatfield (version 1) regarding a proposed constitutional amendment to Article X, Section 25 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to prohibit the state, counties, and other political subdivisions from imposing any tax, including a sales tax, for the sale or transfer of homes or any other real estate?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 24, 2009

OPINION LETTER NO. 174-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 16, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Charles Hatfield (version 2) regarding a proposed constitutional amendment to Article X, Section 25 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to prohibit the state, counties, and other political subdivisions from imposing any tax that has not been previously authorized and imposed when this section is adopted, including a sales tax, for the sale or transfer of homes or any other real estate?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 800
(573) 751-3321

July 24, 2009

OPINION LETTER NO. 175-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 16, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Charles Hatfield (version 3) regarding a proposed constitutional amendment to Article X, Section 25 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to prevent the state, counties, and other political subdivisions from imposing any new tax, including a sales tax, on the sale or transfer of homes or any other real estate?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

July 31, 2009

OPINION LETTER NO. 176-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 21, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Charles W. Hatfield (version 3). The fiscal note summary that you submitted is as follows:

It is estimated this proposal will have no costs or savings to state or local governmental entities.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ch Koster", written over the words "Very truly yours,".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

August 5, 2009

OPINION LETTER NO. 177-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 27, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Tim Asher regarding a proposed constitutional amendment to amend Article I of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to ban affirmative action programs designed to eliminate discrimination against, and improve opportunities for, women and minorities in public contracting, employment and education while continuing to allow preferential programs necessary to establish or maintain eligibility for federal funding, to comply with an existing court order, or consisting of bona fide qualifications based on sex?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

August 5, 2009

OPINION LETTER NO. 178-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 27, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition (version 2) submitted by Dr. Marsha Taylor regarding a proposed constitutional amendment to amend Article I, Section 36 of the Missouri Constitution. The proposed summary statement is as follows:

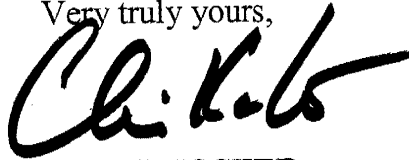
Shall the Missouri Constitution be amended to prohibit state regulated health carriers offering health insurance, benefit, or service plans from:

- imposing monetary advantages or penalties under a plan including different co-payments or reimbursements in order to influence a beneficiary's choice of provider;
- imposing different co-payments, fees, or conditions on beneficiaries enrolled in the same benefit plan category, class, or co-payment level; or
- limiting a health care provider's opportunity to participate and provide services according to the terms and conditions of an offered health benefit plan?

The Honorable Robin Carnahan
Page 2

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-9321

August 5, 2009

OPINION LETTER NO. 179-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 27, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition (version 1) submitted by Todd Jones regarding a proposed constitutional amendment to amend Article III, Section 38 of the Missouri Constitution. The proposed summary statement is as follows:

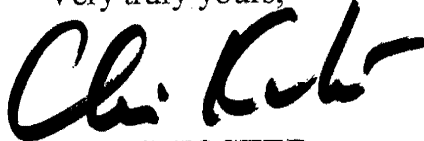
Shall the Missouri Constitution be amended to repeal current provisions approved by voters in 2006 which guaranteed Missouri patients access to stem cell therapies and cures and permitted researchers to conduct stem cell research in accordance with federal law by:

- allowing the Missouri legislature or state officials to eliminate, reduce or deny access to state funds for institutions involved in stem cell research, therapies and cures; and
- allowing the Missouri legislature or state officials to ban or limit the access of Missourians to stem cell research, therapies and cures?

The Honorable Robin Carnahan
Page 2

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

August 5, 2009

OPINION LETTER NO. 180-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 27, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition (version 2) submitted by Todd Jones regarding a proposed constitutional amendment to amend Article III, Section 38 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to repeal current provisions approved by voters in 2006 which guaranteed Missouri patients access to stem cell therapies and cures and permitted researchers to conduct stem cell research in accordance with federal law by:

- allowing the Missouri legislature or state officials to eliminate, reduce or deny access to state funds for institutions involved in stem cell research, therapies and cures; and
- allowing the Missouri legislature or state officials to ban or limit the access of Missourians to stem cell research, therapies and cures?

The Honorable Robin Carnahan
Page 2

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-8321

August 5, 2009

OPINION LETTER NO. 181-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 27, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition (version 3) submitted by Todd Jones regarding a proposed constitutional amendment to amend Article III, Section 38 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to repeal the "Missouri Stem Cell Research and Cures Initiative" approved by voters in November 2006 which banned human cloning and guaranteed Missouri patients access to stem cell therapies and cures and permitted Missouri researchers to conduct stem cell research in accordance with federal law?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

August 5, 2009

OPINION LETTER NO. 182-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 27, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition (version 5) submitted by Todd Jones regarding a proposed constitutional amendment to amend Article III, Section 38 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to repeal the "Missouri Stem Cell Research and Cures Initiative" approved by voters in November 2006 which banned human cloning and guaranteed Missouri patients access to stem cell therapies and cures and permitted Missouri researchers to conduct stem cell research in accordance with federal law?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



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August 5, 2009

OPINION LETTER NO. 183-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 27, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition (version 2) submitted by Dr. Marsha Taylor regarding a proposed constitutional amendment to Article I, Section 36 of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

It is estimated the Missouri Medicaid program will have one-time state costs of \$50,000 and unknown future costs. Local governmental entities that do not utilize a self-funded or other health benefit plan that is exempt from state regulation by federal law may be adversely affected by the proposal, however, the total costs are unknown.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ch. Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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August 5, 2009

OPINION LETTER NO. 184-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 27, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition (version 1) submitted by Todd Jones regarding a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities if state funds for certain research activities are eliminated, reduced, denied, or withheld. However, the total costs to state and local governmental entities are unknown.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ch. Koster", written over the typed name.

CHRIS KOSTER
Attorney General



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August 5, 2009

OPINION LETTER NO. 185-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 27, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition (version 2) submitted by Todd Jones regarding a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities if state funds for certain research activities are eliminated, reduced, denied, or withheld. However, the total costs to state and local governmental entities are unknown.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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P.O. Box 899
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August 5, 2009

OPINION LETTER NO. 186-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 27, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition (version 3) submitted by Todd Jones regarding a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities due to the repeal of certain research activities currently authorized by the Missouri Stem Cell Research and Cures Initiative in the Missouri Constitution. However, the total costs to state and local governmental entities are unknown.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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August 5, 2009

OPINION LETTER NO. 187-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 27, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition (version 5) submitted by Todd Jones regarding a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities due to the repeal of certain research activities currently authorized by the Missouri Stem Cell Research and Cures Initiative in the Missouri Constitution. However, the total costs to state and local governmental entities are unknown.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal stroke extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
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August 5, 2009

OPINION LETTER NO. 190-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of July 29, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Tim Asher regarding a proposed constitutional amendment to Article I of the Missouri Constitution. The fiscal note summary that you submitted is as follows:

The total cost or savings to state and local governmental entities is unknown. Most state governmental entities estimate no costs or savings, however, costs or savings related to future contracts are unknown. Some local governments estimate no costs or savings, but prohibition of certain municipal policies may result in unknown costs.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



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August 5, 2009

OPINION LETTER NO. 191-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated July 30, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Theodis Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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August 13, 2009

OPINION LETTER NO. 193-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated August 4, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article V, Section 25 of the Missouri Constitution submitted by James Harris (version 2).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General

CITIES, TOWNS, AND VILLAGES:
CITY ORDINANCES:
COUNTIES:
COUNTY ORDINANCES:
DRUGS:
ORDINANCES:
POLITICAL SUBDIVISIONS:
PREEMPTION:
PRESCRIPTIONS:

A local government is not preempted by federal or state law from passing an ordinance making the sale of products containing pseudoephedrine by prescription only. Charter counties and cities which have included a general police power in their charters or constitutions, third- and fourth-class cities, and possibly towns and villages, have the police power necessary to pass an ordinance that would require a prescription

to purchase products containing pseudoephedrine. No other local governments have been granted the authority necessary, so they do not have the authority to pass such an ordinance.

OPINION NO. 194-2009

October 23, 2009

Honorable John E. Griesheimer
State Senator, District 26
State Capitol Room 227
201 West Capitol Avenue
Jefferson City, MO 65101

Dear Senator Griesheimer:

This opinion is in response to your request regarding whether “political subdivisions” have the authority to pass ordinances making the sale of products containing pseudoephedrine by prescription only.

We recognize, first, that federal law regulates the sale of many pharmaceuticals, including, to some degree, pseudoephedrine. But federal law does not prevent the ability of the State of Missouri and its political subdivisions from further regulating pseudoephedrine. Rather, Congress has preserved sufficient state regulatory authority to require dispensing by prescription only. *See*, 21 U.S.C. § 379r (expressly excluding from preemption “any State or political subdivision requirement that a drug be dispensed only upon the prescription of a practitioner licensed by law to administer such drug”).

State laws may, of course, bar political subdivisions from imposing such requirements. Specifically, § 71.010 bars ordinances that conflict with state statutes:

Any municipal corporation in this state, whether under general or special charter, and having authority to pass ordinances regulating subjects, matters and things upon which there is a general law of the state, unless otherwise prescribed or authorized by some special provision of its charter, shall confine and restrict its jurisdiction and the passage of its ordinances to and in conformity with the state law upon the same subject.

But § 71.010 does not bar all local governments from passing any ordinances not identical to state laws. It bars local ordinances only when the legislature has expressly preempted the area *and* the local regulation is in conflict with the state law. *Miller v. City of Town & Country*, 62 S.W.3d 431, 438 (Mo.App. E.D. 2001). “An ordinance that merely enlarges on the provision of a statute by requiring more than the statute requires creates no conflict between the two.” *Id.* at 438; *City of Kansas City v. Carlson*, 2009 WL 1748708 *2 (Mo.App. W.D. 2009) (local ordinance does not violate § 71.010 if it prohibits more than the state statute prohibits); *Kansas City v. LaRose*, 524 S.W.2d 112, 116-18 (Mo. banc 1975) (where both statute and ordinance are prohibitory, and ordinance merely goes further than state law, ordinance does not violate § 71.010).

The statute currently regulating pseudoephedrine sales, § 195.417, does not meet the two requirements for preemption. That statute limits the amount of drugs containing pseudoephedrine, ephedrine, or similar substances that may be sold to one person in a certain period of time, and requires these drugs to be sold behind a pharmacy counter. It is designed to prevent individuals from obtaining large amounts of the drugs used to manufacture methamphetamine. A local ordinance that further restricts a person’s access to drugs containing pseudoephedrine does not conflict with a law that restricts a person’s access to drugs containing pseudoephedrine. Such an ordinance merely enlarges on the state law.

That state law does not prohibit an ordinance, however, does not mean that state law permits it. Thus the final question is whether the political subdivision passing the ordinance has authority, either express or implied, to do so. Generally, counties, cities, and other municipal corporations “have no inherent powers but are confined to those expressly delegated by the sovereign and to those powers necessarily implied in the authority to carry out the delegated powers.” *Christian County v. Edward D. Jones and Co., L.P.*, 200 S.W.3d 524, 527 (Mo. banc 2006), *quoting Premium Standard Farms, Inc. v. Lincoln Township of Putnam County*, 946 S.W.2d 234, 238 (Mo. banc 1997). Counties and public corporations “may only exercise powers (1) granted to them in express words by the state, (2) those necessarily and fairly implied in or incident to those powers expressly granted, and (3) those essential and indispensable to the declared objectives and purposes of the county.” *Borron v.*

Farrenkopf, 5 S.W.3d 618, 620 (Mo.App. W.D. 1999); *Premium Standard Farms, Inc. v. Lincoln Township of Putnam County*, 946 S.W.2d at 238. If the local governmental body acts beyond its authority, its acts are void. *Borron v. Farrenkopf*, 5 S.W.3d at 620.

Regulation of pseudoephedrine sales is an exercise of police power. “Police power is the exercise of the sovereign right of a government to promote order, safety, health, morals, and the general welfare of society, within constitutional limits.” *Barber v. Jackson County Ethics Comm’n*, 935 S.W.2d 62, 66 (Mo.App. W.D. 1996); *St. Charles County v. St. Charles Sign & Elec., Inc.*, 237 S.W.3d 272, 275 (Mo.App. E.D. 2007). “(T)he police power is one to be exercised within wide limits of legislative discretion and if (an ordinance) appears to be within the apparent scope of this power, the courts will neither inquire into the wisdom of the grant of power nor substitute its discretion for that of the legislature.” *Meyer v. St. Louis County*, 602 S.W.2d 728, 734 (Mo.App. E.D. 1980).

In Missouri, cities and counties have no inherent police powers; such powers must be granted by statute or set forth in the municipal corporation’s charter. *Clifford Hindman Real Estate, Inc. v. City of Jennings*, 283 S.W.3d 804, 809 (Mo.App. E.D. 2009); *Borron v. Farrenkopf*, 5 S.W.3d at 620-21; *Kansas City v. J. I. Case Threshing Mach. Co.*, 87 S.W.2d 195, 198-99 (Mo. Banc 1935). We separately address counties, cities, and towns and villages below.

Certain counties are given authority to exercise police power for the benefit of their inhabitants. Article VI, § 18(c) allows charter counties to exercise legislative power regarding all services and functions of local government, subject to certain restrictions—power that includes police powers. *Barber v. Jackson County Ethics Comm’n*, 935 S.W.2d 62, 66 (Mo.App. W.D. 1996) (“One of the powers granted to charter counties by the constitution is the police power.”). See also *Turner v. Kansas City*, 191 S.W.2d 612, 616 (Mo. 1945) (constitutional authority to form a charter government must include the grant of the police power necessary for that government to function properly). Similarly, Article VI, § 18(m) allows first class counties that do not adopt charters to instead adopt constitutions that give them “any and all powers the general assembly has the authority to confer,” subject to certain restrictions. That, too, includes police powers. (Hereafter we include such counties among “charter,” as opposed to “noncharter counties.”) And, § 49.650.1, RSMo Cum. Supp. 2004, gives noncharter counties certain police powers, but these police powers specifically exclude the power to pass an ordinance regulating the sale of products containing ephedrine or pseudoephedrine. Section 49.650.1(7), RSMo Cum. Supp. 2004. No other statute grants a general police power to counties. Therefore, charter counties that have included a general police power in their charters or in their constitutions, but no other counties, have the police

power necessary to pass an ordinance that would require a prescription to purchase products containing pseudoephedrine.

Certain cities are given authority to exercise police power for the benefit of their inhabitants. Article VI, § 19(a) gives charter cities “all powers which the general assembly of the state of Missouri has authority to confer upon any city,” subject to the state constitution and laws, and few other restrictions. *City of Kansas City v. Carlson*, 2009 WL 1748708 *2 (Mo.App. W.D. 2009) (charter city had authority to pass indoor smoking ordinance that was more restrictive than state law). Section 79.110, RSMo 2000, similarly gives powers to fourth-class cities:

[S]hall have power to enact . . . any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same.

This statute gives fourth-class cities “general police powers.” *Miller v. City of Town & Country*, 62 S.W.3d 431, 437 (Mo.App. E.D. 2001) (city had power to enact hunting ordinance more restrictive than state’s regulation); *see also* § 79.370, RSMo 2000 (giving fourth-class cities power to regulate or prevent business activities dangerous to public health); § 79.450.7, RSMo 2000 (fourth-class cities “may enact or make all ordinances, rules and regulations, not inconsistent with the laws of the state, expedient for maintaining the peace, good government and welfare of the city.”). Third-class cities are given powers under § 77.590, RSMo 2000, to make ordinances regarding items mentioned in the chapter, and also to “enact and make all such ordinances and rules, not inconsistent with the laws of the state, as may be expedient for maintaining the peace and good government and welfare of the city and its trade and commerce.”¹ *City of Overland v. Wade*, 85 S.W.3d 70, 72 (Mo.App.

¹In *Clifford Hindman Real Estate, Inc. v. City of Jennings*, 283 S.W.3d 804, 809 (Mo.App. E.D. 2009), the court stated that cities have no inherent police power, and struck down a city’s licensing scheme because the “only source of power” for that scheme was a taxing statute, § 94.110. Because a city’s authority to tax is limited by statute, it cannot pass an unauthorized tax under its general police power, because that would conflict with state law. Because this case does not imply that third-class cities have no general police power, it is distinguishable from the question here.

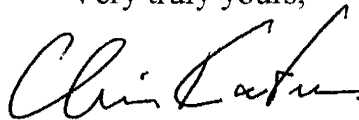
E.D. 2002) (this section allows a third-class city "to exercise general police powers and to pass ordinances for the welfare and safety of its citizens."). Therefore, charter cities that have included a general police power in their charters, and third- and fourth-class cities have the police power necessary to pass an ordinance that would require a prescription to purchase products containing pseudoephedrine.

Finally, towns and villages are granted a general police power in § 80.090(40), RSMo 2000, which states that towns and villages have power to "pass such other bylaws and ordinances for the regulation and police of such town and commons thereto appertaining as they shall deem necessary, not repugnant to and contrary to the laws of the state." It has been held, however, that this police power only gives a general police power necessary to carry out the 39 enumerated powers in this section. *Krug v. Village of Mary Ridge*, 271 S.W.2d 867, 870 (Mo.App. 1954). Subsection (1) gives power to prevent and remove nuisances, and subsection (16) gives power to "regulate markets," but it would require a broad reading of these sections, in conjunction with subsection (40), to find that towns and villages had power to pass an ordinance requiring a prescription for sales of products containing pseudoephedrine.

CONCLUSION

A local government is not preempted by federal or state law from passing an ordinance making the sale of products containing pseudoephedrine by prescription only. Charter counties and cities which have included a general police power in their charters or constitutions, third- and fourth-class cities, and possibly towns and villages, have the police power necessary to pass an ordinance that would require a prescription to purchase products containing pseudoephedrine. No other local governments have been granted the authority necessary, so they do not have the authority to pass such an ordinance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

August 21, 2009

OPINION LETTER NO. 195-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated August 18, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Theodis Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General

FIX AD VALOREM PROPERTY
TAX RATES:
POLITICAL SUBDIVISIONS:
PROPERTY TAX
TAXATION – TAX RATE:

having a tax rate certified that is only necessary to pay the interest and principal on any outstanding bonds.

The 2008 amendments to § 67.110.1 should be read in harmony with the entire statute such that political subdivisions in the state that are located at least partially within a charter county or the City of St. Louis, have until October 1 to fix ad valorem property tax rates without fear of

OPINION NO. 196-2009
OPINION NO. 200-2009

November 6, 2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

The Honorable Matt Bartle
Missouri State Senator
State Capitol, Room 319
Jefferson City, MO 65101

Dear Auditor Montee and Senator Bartle:

You submitted similar requests for an Attorney General opinion concerning the date for setting ad valorem property tax rates under § 67.110.1, RSMo Cum. Supp. 2008.¹ Section 67.110.1, RSMo, provides, in part, as follows:

Each political subdivision in the state, except counties and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Each political subdivision located, at

¹Unless otherwise specified, all references in this opinion to the Revised Missouri Statutes will be to the 2008 Cumulative Supplement.

least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry in the tax books for each calendar year after December 31, 2008.

There are four charter counties in Missouri: St. Louis County, Jackson County, St. Charles County, and Jefferson County. In addition, there is one city not within a county: the City of St. Louis. Thus, in accordance with the first two sentences of § 67.110.1, political subdivisions in the state, such as school districts, *see Lane v. Lensmeyer*, 158 S.W.3d 218, 226 (Mo. banc 2005), that are located at least partially within the four charter counties and the City of St. Louis, “shall” fix their ad valorem property tax rates no later than October 1. For example, the Lee’s Summit School District is at least partially within a charter county--Jackson County--and based on the first two sentences of § 67.110.1 would have until October 1 to fix its ad valorem property tax rates. All other political subdivisions in the state, except counties, are required by the first two sentences of § 67.110.1 to fix their ad valorem property tax rates by September 1.

Prior to amendments in 2008, § 67.110.1 provided that all political subdivisions of the state, except counties, were required to fix their ad valorem property tax rates no later than September 1. Section 67.110.1, RSMo 2000. This remains true for the great bulk of political subdivisions in the state following amendments to the statute in 2008. While the 2008 amendments to the statute changed the date for certain political subdivisions, the last sentence of § 67.110.1, which sets forth a consequence for failing to timely fix ad valorem property tax rates, remains the same:

Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by September first, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

Section 67.110.1. This sentence does not expressly address the October 1 deadline for certain political subdivisions found in the first two sentences of § 67.110.1. Thus, it is necessary to determine if there is a conflict and, if so, then to resolve it using the tools of statutory construction.

The general rule of statutory construction is to ascertain the “intent of the legislature based on the plain language used and to give effect to this intent whenever possible.” *Soto v. State*, 226 S.W.3d 164, 166 (Mo. banc 2007). To do that, an examination is made of “the words used in the statute, the context in which the words are used, and the problem the legislature sought to remedy by the statute’s enactment.” *Id.* And to the extent there is a conflict in the statutory language, it is requisite to attempt to read the provisions of the statute in harmony so as to avoid a conflict. *Anderson ex rel. Anderson v. Ken Kauffman & Sons Excavating, L.L.C.*, 248 S.W.3d 101, 107 (Mo. App. W.D. 2008).

It is evident from the first two sentences of § 67.110.1, that the legislature intended that certain political subdivisions should have until October 1 to fix their ad valorem tax rates. Yet, the last sentence of § 67.110.1, which is a holdover from before the 2008 amendments, seems to subject all political subdivisions to a consequence if they do not meet the September 1 deadline. There is one qualification in the last sentence, however, that must be addressed--the consequence for failing to meet the September 1 deadline applies only to those political subdivisions “whose taxes are collected by the county collector of revenue.” Section 67.110.1. In charter counties, as well as the City of St. Louis, taxes are not necessarily collected by “the county collector.” Indeed, in at least Jackson County, St. Louis County, and the City of St. Louis, there is no “county collector” at all. Instead, they have nonelected department heads over revenue and collections. This would suggest a possible way to read the provisions so as to avoid conflict for some counties. Nevertheless, there remain at least two conflicts in the statute.

First, St. Charles County and Jefferson County provide for the election of “county collectors” as part of their charter form of government. Therefore, the conflict is not resolved for those charter counties. Second, the first two sentences make clear that a political subdivision need only be “partially within any county with a charter form of government” in order to qualify for the October 1 deadline. Section 67.110.1. Lee’s Summit School District is just such a political subdivision since it is not entirely within Jackson County, and therefore some of its tax revenue is collected by a “county collector.” To suggest that a political subdivision such as Lee’s Summit School District, which is located only partially within a charter county or the City of St. Louis, should be subjected to two deadlines for fixing tax rates would create an unwieldy process that is not consistent with § 67.110.1. Thus, there remain at least two conflicts in § 67.110.1.

Because § 67.110.1 was repealed and re-enacted in 2008, the canon of statutory construction that provides that “the later-enacted provision, . . . repeals the first statute to

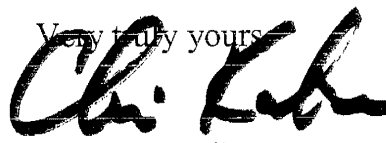
The Honorable Susan Montec
The Honorable Matt Bartle
Page 4

the extent of any conflict with the second” does not apply. *Turner v. State*, 245 S.W.3d 826, 829 (Mo. banc 2008). This leaves us to harmonize the provisions and avoid making statutory language superfluous. *Civil Serv. Comm’n of the City of St. Louis v. Members of the Bd. of Aldermen of the City of St. Louis*, 92 S.W.3d 785, 788 (Mo. banc 2003) (holding that it is “presumed that the legislature did not insert idle verbiage or superfluous language in a statute”); *Anderson*, 248 S.W.3d at 107.

If the last sentence of § 67.110.1 is held to control the first two sentences, then it would make the first two sentences permitting the fixing of ad valorem property tax rates by October 1 superfluous. Thus, the last sentence of § 67.110.1 must be read to incorporate the specific time frames in the first two sentences in order to harmonize the provisions. As such, a political subdivision that is located partially within a charter county or the City of St. Louis, such as the Lee’s Summit School District, should only be subject to the consequences of the last sentence of § 67.110.1 if it fails to fix “its ad valorem property tax rate by [October] first.” Section 67.110.1. This reading gives meaning to all the statutory language and avoids reading provisions as superfluous.

CONCLUSION

The 2008 amendments to § 67.110.1 should be read in harmony with the entire statute such that political subdivisions in the state that are located at least partially within a charter county or the City of St. Louis, have until October 1 to fix ad valorem property tax rates without fear of having a tax rate certified that is only necessary to pay the interest and principal on any outstanding bonds.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

September 2, 2009

OPINION LETTER NO. 197-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of August 24, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by James Harris (version 2). The fiscal note summary that you submitted is as follows:

It is estimated this proposal will have annual costs of \$121,802 – \$129,543 and one-time costs of \$5,660 to state governmental entities. It is estimated this proposal will have no costs or savings to local governmental entities.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

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ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

September 2, 2009

OPINION LETTER NO. 198-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated August 24, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Theodis Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General

FIX AD VALOREM PROPERTY
TAX RATES:
POLITICAL SUBDIVISIONS:
PROPERTY TAX
TAXATION – TAX RATE:

The 2008 amendments to § 67.110.1 should be read in harmony with the entire statute such that political subdivisions in the state that are located at least partially within a charter county or the City of St. Louis, have until October 1 to fix ad valorem property tax rates without fear of

having a tax rate certified that is only necessary to pay the interest and principal on any outstanding bonds.

OPINION NO. 196-2009
OPINION NO. 200-2009

November 6, 2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

The Honorable Matt Bartle
Missouri State Senator
State Capitol, Room 319
Jefferson City, MO 65101

Dear Auditor Montee and Senator Bartle:

You submitted similar requests for an Attorney General opinion concerning the date for setting ad valorem property tax rates under § 67.110.1, RSMo Cum. Supp. 2008.¹ Section 67.110.1, RSMo, provides, in part, as follows:

Each political subdivision in the state, except counties and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Each political subdivision located, at

¹Unless otherwise specified, all references in this opinion to the Revised Missouri Statutes will be to the 2008 Cumulative Supplement.

least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry in the tax books for each calendar year after December 31, 2008.

There are four charter counties in Missouri: St. Louis County, Jackson County, St. Charles County, and Jefferson County. In addition, there is one city not within a county: the City of St. Louis. Thus, in accordance with the first two sentences of § 67.110.1, political subdivisions in the state, such as school districts, *see Lane v. Lensmeyer*, 158 S.W.3d 218, 226 (Mo. banc 2005), that are located at least partially within the four charter counties and the City of St. Louis, “shall” fix their ad valorem property tax rates no later than October 1. For example, the Lee’s Summit School District is at least partially within a charter county--Jackson County--and based on the first two sentences of § 67.110.1 would have until October 1 to fix its ad valorem property tax rates. All other political subdivisions in the state, except counties, are required by the first two sentences of § 67.110.1 to fix their ad valorem property tax rates by September 1.

Prior to amendments in 2008, § 67.110.1 provided that all political subdivisions of the state, except counties, were required to fix their ad valorem property tax rates no later than September 1. Section 67.110.1, RSMo 2000. This remains true for the great bulk of political subdivisions in the state following amendments to the statute in 2008. While the 2008 amendments to the statute changed the date for certain political subdivisions, the last sentence of § 67.110.1, which sets forth a consequence for failing to timely fix ad valorem property tax rates, remains the same:

Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by September first, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

Section 67.110.1. This sentence does not expressly address the October 1 deadline for certain political subdivisions found in the first two sentences of § 67.110.1. Thus, it is necessary to determine if there is a conflict and, if so, then to resolve it using the tools of statutory construction.

The general rule of statutory construction is to ascertain the “intent of the legislature based on the plain language used and to give effect to this intent whenever possible.” *Soto v. State*, 226 S.W.3d 164, 166 (Mo. banc 2007). To do that, an examination is made of “the words used in the statute, the context in which the words are used, and the problem the legislature sought to remedy by the statute’s enactment.” *Id.* And to the extent there is a conflict in the statutory language, it is requisite to attempt to read the provisions of the statute in harmony so as to avoid a conflict. *Anderson ex rel. Anderson v. Ken Kauffman & Sons Excavating, L.L.C.*, 248 S.W.3d 101, 107 (Mo. App. W.D. 2008).

It is evident from the first two sentences of § 67.110.1, that the legislature intended that certain political subdivisions should have until October 1 to fix their ad valorem tax rates. Yet, the last sentence of § 67.110.1, which is a holdover from before the 2008 amendments, seems to subject all political subdivisions to a consequence if they do not meet the September 1 deadline. There is one qualification in the last sentence, however, that must be addressed--the consequence for failing to meet the September 1 deadline applies only to those political subdivisions “whose taxes are collected by the county collector of revenue.” Section 67.110.1. In charter counties, as well as the City of St. Louis, taxes are not necessarily collected by “the county collector.” Indeed, in at least Jackson County, St. Louis County, and the City of St. Louis, there is no “county collector” at all. Instead, they have nonelected department heads over revenue and collections. This would suggest a possible way to read the provisions so as to avoid conflict for some counties. Nevertheless, there remain at least two conflicts in the statute.

First, St. Charles County and Jefferson County provide for the election of “county collectors” as part of their charter form of government. Therefore, the conflict is not resolved for those charter counties. Second, the first two sentences make clear that a political subdivision need only be “partially within any county with a charter form of government” in order to qualify for the October 1 deadline. Section 67.110.1. Lee’s Summit School District is just such a political subdivision since it is not entirely within Jackson County, and therefore some of its tax revenue is collected by a “county collector.” To suggest that a political subdivision such as Lee’s Summit School District, which is located only partially within a charter county or the City of St. Louis, should be subjected to two deadlines for fixing tax rates would create an unwieldy process that is not consistent with § 67.110.1. Thus, there remain at least two conflicts in § 67.110.1.

Because § 67.110.1 was repealed and re-enacted in 2008, the canon of statutory construction that provides that “the later-enacted provision, . . . repeals the first statute to

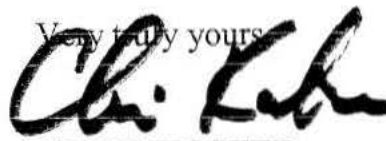
The Honorable Susan Montee
The Honorable Matt Bartle
Page 4

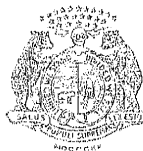
the extent of any conflict with the second” does not apply. *Turner v. State*, 245 S.W.3d 826, 829 (Mo. banc 2008). This leaves us to harmonize the provisions and avoid making statutory language superfluous. *Civil Serv. Comm’n of the City of St. Louis v. Members of the Bd. of Aldermen of the City of St. Louis*, 92 S.W.3d 785, 788 (Mo. banc 2003) (holding that it is “presumed that the legislature did not insert idle verbiage or superfluous language in a statute”); *Anderson*, 248 S.W.3d at 107.

If the last sentence of § 67.110.1 is held to control the first two sentences, then it would make the first two sentences permitting the fixing of ad valorem property tax rates by October 1 superfluous. Thus, the last sentence of § 67.110.1 must be read to incorporate the specific time frames in the first two sentences in order to harmonize the provisions. As such, a political subdivision that is located partially within a charter county or the City of St. Louis, such as the Lee’s Summit School District, should only be subject to the consequences of the last sentence of § 67.110.1 if it fails to fix “its ad valorem property tax rate by [October] first.” Section 67.110.1. This reading gives meaning to all the statutory language and avoids reading provisions as superfluous.

CONCLUSION

The 2008 amendments to § 67.110.1 should be read in harmony with the entire statute such that political subdivisions in the state that are located at least partially within a charter county or the City of St. Louis, have until October 1 to fix ad valorem property tax rates without fear of having a tax rate certified that is only necessary to pay the interest and principal on any outstanding bonds.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-9321

September 2, 2009

OPINION LETTER NO. 201-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated August 27, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by James Harris (version 2) regarding a proposed constitutional amendment to amend Article V of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to repeal the current nonpartisan court plan for the selection of judges of the Supreme Court, Court of Appeals, and Courts in St. Louis City and Jackson, Platte, Clay, St. Louis, and Greene Counties and to create a new method of selecting such judges through appointment by the Governor with advice and consent of the Missouri Senate?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

September 10, 2009

OPINION LETTER NO. 202-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated August 31, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend the Revised Statutes of Missouri, Chapter 115 submitted by Jo Sapp.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

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September 18, 2009

OPINION LETTER NO. 204-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated September 8, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marsha Taylor, M.D. to amend Article I, Section 36 of the Missouri Constitution.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a large, stylized "C".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
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CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

September 18, 2009

OPINION LETTER NO. 205-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated September 8, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Todd Jones.

We conclude that the petition must be rejected for at least the following reason:

The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

September 24, 2009

OPINION LETTER NO. 206-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated September 14, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones to amend Article III, Section 38 of the Missouri Constitution.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

September 25, 2009

OPINION LETTER NO. 207-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated September 18, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Gregory Thompson to amend Article I of the Missouri Constitution.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

September 25, 2009

OPINION LETTER NO. 208-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of September 18, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Jo Sapp. The fiscal note summary that you submitted is as follows:

It is estimated state governmental entities will incur costs of \$1,167,450 in fiscal year 2012 (one-time costs of \$705,000 and on-going costs for each federal election of \$462,450). Local governmental entities may incur additional costs for non-federal elections and satellite voting sites depending on the decisions of the election authority.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 899
(573) 751-3321

September 25, 2009

OPINION LETTER NO. 211-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated September 23, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Theodis Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

October 2, 2009

OPINION LETTER NO. 213-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated September 24, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Jo Sapp regarding a proposed amendment to Chapter 115, RSMo. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- expand options for voters by allowing them to cast ballots in person prior to Election Day without the current absentee ballot excuse requirement; and
- make it illegal to cast such an early ballot and to vote at the polls for the same election?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

October 2, 2009

OPINION LETTER NO. 214-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of September 28, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marsha Taylor, M.D. The fiscal note summary that you submitted is as follows:

It is estimated the Missouri Medicaid program will have one-time costs of \$100,000 and unknown future costs. State and local governmental entities that do not utilize a self-funded or other health benefit plan that is exempt from state regulation by federal law may be adversely affected, however, the total costs are unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

October 2, 2009

OPINION LETTER NO. 215-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated September 30, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Theodis Brown.

We conclude that the petition must be rejected for at least the following reasons:

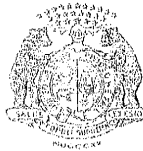
1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

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(573) 751-3321

October 9, 2009

OPINION LETTER NO. 217-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

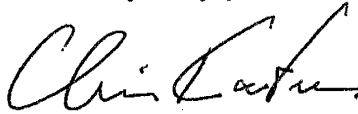
This opinion letter responds to your request dated October 2, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition (version 3) submitted by Dr. Marsha Taylor regarding a proposed constitutional amendment to Article I, Section 36 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to prohibit state regulated health carriers from offering health insurance, benefit, or service plans after November 2, 2010, that:

- impose monetary advantages or penalties under a plan including different co-payments or reimbursements in order to influence a beneficiary's choice of provider;
- impose different co-payments, fees, or conditions on beneficiaries enrolled in the same benefit plan category, class, or co-payment level; or
- limit a health care provider's opportunity to participate and provide services according to the terms and conditions of an offered health benefit plan?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive style.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

October 9, 2009

OPINION LETTER NO. 218-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of October 2, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Todd Jones. The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities by prohibiting the use of public funds for certain research activities. Federal grants to state governmental entities for research and medical assistance programs may be in jeopardy. The total costs to state and local governmental entities are unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

October 14, 2009

OPINION LETTER NO. 220-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated October 5, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Todd Jones regarding a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to make it illegal for the legislature or state or local governments to expend, pay, or grant public funds to hospitals or other institutions for certain research and services, including abortions not medically necessary to save the life of the mother, abortion services, and certain types of stem cell research currently allowed under Missouri law?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

October 14, 2009

OPINION LETTER NO. 221-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of October 8, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Gregory Thompson. The fiscal note summary that you submitted is as follows:

Most state and local governmental entities estimate no costs or savings. However, depending on the legal interpretation of the proposal, some state and local governmental entities may incur unknown costs related to court actions, program benefits for the unborn, health services to pregnant women, and the possible prohibition of certain research activities.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

October 14, 2009

OPINION LETTER NO. 222-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated October 8, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by James Harris (version 3) to amend Article V, Section 25 of the Missouri Constitution.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

October 19, 2009

OPINION LETTER NO. 223-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated October 9, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Gregory Thompson regarding a proposed amendment to Article I of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to define the term "person" to be from the beginning of biological development and grant such person constitutional rights and access to courts under the equal protection, due process, and open courts provisions of the Missouri Constitution?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 6, 2009

OPINION LETTER NO. 226-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated October 27, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Theodis Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 6, 2009

OPINION LETTER NO. 227-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of October 29, 2009, submitting a revised fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition (version 3) submitted by James Harris. The fiscal note summary that you submitted is as follows:

Most local election authorities estimate no costs or savings, however, some local election authorities may incur estimated costs of \$25,000 to \$184,536 for each general election if the proposal results in the need for additional ballot pages. The proposal may result in an estimated savings of \$7,741 to state governmental entities.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 6, 2009

OPINION LETTER NO. 229-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated October 29, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition (version 3) submitted by James Harris regarding a proposed amendment to Article V of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to:

- repeal the current nonpartisan court plan used to select judges and the current prohibition on judges participating in political campaigns;
- select all judges through partisan elections; and
- reduce the terms for Supreme Court and Court of Appeals judges from 12 to 8 years?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 6, 2009

OPINION LETTER NO. 231-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 2, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Theodis Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

November 6, 2009

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

OPINION LETTER NO. 232-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 2, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Theodis Brown.

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.040, RSMo 2000.
2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to § 116.332.3, RSMo 2000, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 899
(573) 751-3321

December 3, 2009

OPINION LETTER NO. 237-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 23, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 1) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal stroke extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 3, 2009

OPINION LETTER NO. 239-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 23, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 3) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster". The signature is stylized with a large, bold "C" and a long, sweeping horizontal line at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 3, 2009

OPINION LETTER NO. 241-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 23, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 5) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, reading "Chris Koster", is positioned above the printed name of the Attorney General.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 3, 2009

OPINION LETTER NO. 243-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 23, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 7) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 3, 2009

OPINION LETTER NO. 245-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 23, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 9) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 809
(573) 751-3321

December 3, 2009

OPINION LETTER NO. 247-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 25, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Barbara Schmitz (version 1) to amend Chapter 273, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal stroke extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 899
(573) 751-3321

December 3, 2009

OPINION LETTER NO. 248-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 25, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Barbara Schmitz (version 2) to amend Chapter 273, Revised Statutes of Missouri.

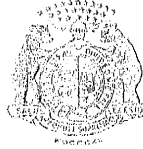
We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a long horizontal stroke extending to the right.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 11, 2009

OPINION LETTER NO. 249-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 1, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Jo Sapp (version 2) to amend Chapter 115, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", with a stylized flourish at the end.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 17, 2009

OPINION LETTER NO. 250-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 2a) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a large, stylized "C" that loops around the first part of the name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 17, 2009

OPINION LETTER NO. 251-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 4a) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 17, 2009

OPINION LETTER NO. 252-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 6a) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 17, 2009

OPINION LETTER NO. 253-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 8a) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a large, stylized "C" that loops around the first part of the name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 17, 2009

OPINION LETTER NO. 254-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 7, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Marc H. Ellinger (version 10a) to amend Chapter 92, Revised Statutes of Missouri.

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 800
(573) 751-3321

December 21, 2009

OPINION LETTER NO. 255-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 11, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 1). The fiscal note summary that you submitted is as follows:

The proposal could eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 21, 2009

OPINION LETTER NO. 256-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 11, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 3). The fiscal note summary that you submitted is as follows:

The proposal could eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over a horizontal line.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 21, 2009

OPINION LETTER NO. 257-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 11, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 5). The fiscal note summary that you submitted is as follows:

The proposal could eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 800
(573) 751-3321

December 21, 2009

OPINION LETTER NO. 258-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 11, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 7). The fiscal note summary that you submitted is as follows:

The proposal could eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 21, 2009

OPINION LETTER NO. 259-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 11, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 9). The fiscal note summary that you submitted is as follows:

The proposal could eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 23, 2009

OPINION LETTER NO. 261-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 15, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Barbara Schmitz (version 1). The fiscal note summary that you submitted is as follows:

It is estimated state governmental entities will incur costs of \$654,768 (on-going costs of \$521,356 and one-time costs of \$133,412). Some local governmental entities may experience costs related to enforcement activities and savings related to reduced animal care activities.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the typed name.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 800
(573) 751-3321

December 23, 2009

OPINION LETTER NO. 262-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 15, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Barbara Schmitz (version 2). The fiscal note summary that you submitted is as follows:

It is estimated state governmental entities will incur costs of \$654,768 (on-going costs of \$521,356 and one-time costs of \$133,412). Some local governmental entities may experience costs related to enforcement activities and savings related to reduced animal care activities.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 23, 2009

OPINION LETTER NO. 264-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

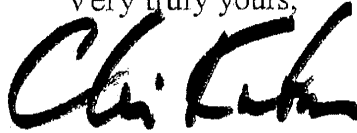
This opinion letter responds to your request dated December 17, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Barbara Schmitz (version 1) regarding a proposed amendment to Chapter 273, Revised Statutes of Missouri. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- require large-scale dog breeding operations to provide each dog under their care with sufficient food, clean water, housing and space; necessary veterinary care; regular exercise and adequate rest between breeding cycles;
- prohibit any breeder from having more than 50 breeding dogs for the purpose of selling their puppies as pets; and
- create a misdemeanor crime of "puppy mill cruelty" for any violations?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive style.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 23, 2009

OPINION LETTER NO. 265-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 17, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Barbara Schmitz (version 2) regarding a proposed amendment to Chapter 273, Revised Statutes of Missouri. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- require large-scale dog breeding operations to provide each dog under their care with sufficient food, clean water, housing and space; necessary veterinary care; regular exercise and adequate rest between breeding cycles;
- prohibit any breeder from having more than 50 breeding dogs for the purpose of selling their puppies as pets; and
- create a misdemeanor crime of "puppy mill cruelty" for any violations?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive style.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-8321

December 23, 2009

OPINION LETTER NO. 266-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 17, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Marc Ellinger (version 1) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- repeal the authority of certain cities to use earnings taxes to fund their budgets;
- require voters in cities that currently have an earnings tax to approve continuation of such tax at the next general municipal election and at an election held every 5 years thereafter;
- require any current earnings tax that is not approved by the voters to be phased out over a period of 5 years; and
- prohibit any city from adding a new earnings tax to fund their budget?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive, stylized script.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 23, 2009

OPINION LETTER NO. 267-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

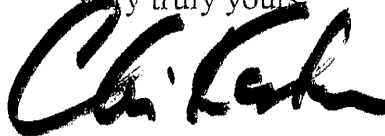
This opinion letter responds to your request dated December 17, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Marc Ellinger (version 3) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- repeal the authority of certain cities to use earnings taxes to fund their budgets;
- require voters in cities that currently have an earnings tax to approve continuation of such tax at the next general municipal election and at an election held every 5 years thereafter;
- require any current earnings tax that is not approved by the voters to be phased out over a period of 10 years; and
- prohibit any city from adding a new earnings tax to fund their budget?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive style.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 23, 2009

OPINION LETTER NO. 268-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

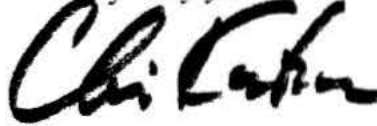
This opinion letter responds to your request dated December 17, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Marc Ellinger (version 5) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- repeal the authority of certain cities to use earnings taxes to fund their budgets;
- require voters in cities that currently have an earnings tax to approve continuation of such tax at the next general municipal election and at an election held every 10 years thereafter;
- require any current earnings tax that is not approved by the voters to be phased out over a period of 10 years; and
- prohibit any city from adding a new earnings tax to fund their budget?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive style.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

December 23, 2009

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

OPINION LETTER NO. 269-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

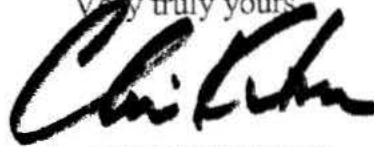
This opinion letter responds to your request dated December 17, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Marc Ellinger (version 7) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- repeal the authority of certain cities to use earnings taxes to fund their budgets;
- require voters in cities that currently have an earnings tax to approve continuation of such tax at the next general municipal election and at an election held every 5 years thereafter;
- require any current earnings tax that is not approved by the voters to be phased out over a period of 10 years; and
- prohibit any city from adding a new earnings tax to fund their budget?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive style.

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 899
(573) 751-3321

December 23, 2009

OPINION LETTER NO. 270-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 17, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Marc Ellinger (version 9) regarding a proposed amendment to Chapter 92, Revised Statutes of Missouri. The proposed summary statement is as follows:

Shall Missouri law be amended to eliminate the ability of cities to use earnings taxes to fund their budgets by phasing out any existing earnings tax over a ten year period and prohibiting any city from adding such a tax as a potential source of revenue?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 30, 2009

OPINION LETTER NO. 271-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 21, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 84, Revised Statutes of Missouri, submitted by Bradley Ketcher (version 1).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 30, 2009

OPINION LETTER NO. 272-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 21, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 84, Revised Statutes of Missouri, submitted by Bradley Ketcher (version 2).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 30, 2009

OPINION LETTER NO. 273-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 21, 2009, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 84, Revised Statutes of Missouri, submitted by Bradley Ketcher (version 3).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink that reads "Chris Koster".

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 30, 2009

OPINION LETTER NO. 274-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 21, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Jo Sapp (version 2). The fiscal note summary that you submitted is as follows:

State governmental entities will incur estimated costs of \$1,436,250 or more in fiscal year 2013 (one-time costs of \$705,000 and on-going costs for each federal general election of \$731,250). It is estimated there is no cost to local governmental entities since costs of the proposal shall be paid by the state.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 30, 2009

OPINION LETTER NO. 278-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 24, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 2a). The fiscal note summary that you submitted is as follows:

The proposal could eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 30, 2009

OPINION LETTER NO. 279-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 24, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 4a). The fiscal note summary that you submitted is as follows:

The proposal could eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours

CHRIS KOSTER
Attorney General



ATTORNEY GENERAL OF MISSOURI

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P.O. Box 899
(573) 751-3321

December 30, 2009

OPINION LETTER NO. 280-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 24, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 6a). The fiscal note summary that you submitted is as follows:

The proposal could eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

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OPINION LETTER NO. 281-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 24, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 8a). The fiscal note summary that you submitted is as follows:

The proposal could eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

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December 30, 2009

OPINION LETTER NO. 282-2009

The Honorable Susan Montee
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 24, 2009, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by Marc H. Ellinger (version 10a). The fiscal note summary that you submitted is as follows:

The proposal would eliminate certain city earnings taxes. For 2010, Kansas City and the City of St. Louis budgeted earnings tax revenue of \$199.2 million and \$141.2 million, respectively. Reduced earnings tax deductions could increase state revenues by \$4.8 million. The total cost or savings to state and local governmental entities is unknown.

Under § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

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December 30, 2009

OPINION LETTER NO. 283-2009

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 24, 2009, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Jo Sapp (version 2) regarding a proposed amendment to Chapter 115, Revised Statutes of Missouri. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- expand options for voters by allowing them to cast ballots in person prior to federal general elections without the current absentee ballot excuse requirement; and
- make it illegal to cast such an early ballot and to vote at the polls for the same election?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

CHRIS KOSTER
Attorney General